

Chapter Twenty-five

**ENVIRONMENTAL IMPACT  
STATEMENTS**

BUREAU OF DESIGN AND ENVIRONMENT MANUAL



**Chapter Twenty-five**  
**ENVIRONMENTAL IMPACT STATEMENTS**

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## Chapter Twenty-five

# ENVIRONMENTAL IMPACT STATEMENTS

Chapter 25 discusses procedures for preparing and processing Environmental Impact Statements.

### 25-1 GENERAL

#### 25-1.01 Definitions

1. Environmental Impact Statement (EIS). A detailed written statement, prepared for major Federal actions significantly affecting the quality of the human environment, which discusses the environmental impact of the proposed action; any adverse environmental effects which cannot be avoided should the proposal be implemented; alternatives to the proposed action; the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.
2. Supplemental Environmental Impact Statement (SEIS). A detailed written statement on changes in the proposed action and/or on the identification and analysis of new circumstances or information not addressed in the Draft or Final EIS, which would introduce new or changed environmental effects of significance on the quality of the human environment.
3. Tiering. "Tiering" means covering broad or more general matters in one EIS with a subsequent environmental document(s) addressing narrower, more specific matters. The subsequent environmental document(s) would incorporate by reference the general discussions and would concentrate solely on the issues specific to the latter. It is intended to be an aid in focusing on issues that are ready for decision and excluding issues already decided or not yet ready. See 40 CFR 1508.28, 23 CFR 771.111(g), and the CEQ Q&A, Question 24c for more information.

#### 25-1.02 Applicability

##### 25-1.02(a) EIS

References: 40 CFR 1502.3 "Requirement for Statements"  
40 CFR 1502.4 "Major Federal Actions Requiring EISs"  
23 CFR 771.115(a) "Examples of Transportation Projects Normally Requiring EISs"

An EIS is required for all Federally-funded highway projects (or other Federally-regulated highway activities) determined to be likely to cause significant impacts on the environment. 23 CFR 771.115(a) lists project types that normally will require the preparation of an EIS.

### **25-1.02(b) Supplemental EIS**

References: 40 CFR 1502.9(c) "When to Prepare a Supplemental EIS"  
23 CFR 771.130 "When to Prepare a Supplemental EIS"  
Section XII of FHWA Technical Advisory T6640.8A "Supplemental EISs"

The cited references describe those circumstances where a Supplemental EIS may be appropriate.

### **25-1.02(c) Tiering**

References: 40 CFR 1502.20 "When to Use Tiering"  
23 CFR 771.111(g) "Tiering for Major Transportation Actions"  
CEQ Q&A, Questions 24b and 24c "When to Use Tiering"

Tiering of EISs should be used when it will improve or simplify the environmental processing of proposed IDOT actions. Preparation of tiered EISs should be considered for complex transportation proposals (e.g., major urban transportation investments). The first tier EIS would focus on broad issues such as mode choice, general location, area wide air quality, and land use implications of the transportation improvement alternatives being considered. System planning activities should encompass environmental studies, and the first tier EIS(s) should use information from these system planning studies and appropriate corridor planning and other planning studies. A subsequent site-specific environmental document may be required when it is necessary to focus on more detailed project impacts and mitigation measures (e.g., addressing details of route location, highway interchange configurations, etc.). If tiered EISs are used, the subsequent document(s) shall state where the preceding document is available.

### **25-1.03 EIS Circulation (IDOT Responsibilities)**

References: 40 CFR 1500.1 "Purpose of NEPA"  
40 CFR 1500.2 "NEPA Policies"  
40 CFR 1500.5 "Reducing Delay"  
40 CFR 1502.19 "EIS Circulation"  
Section VII of FHWA Technical Advisory T6640.8A "Distribution of EISs"

#### **25-1.03(a) Draft EIS (DEIS) Circulation**

References: 23 CFR 771.123(e) "Approval of DEIS for Circulation"  
23 CFR 771.123(f) "Printing of DEIS"

23 CFR 771.123(g) "Circulation of DEIS"  
23 CFR 771.123(h) "Availability of DEIS in Relation to Hearing"  
23 CFR 771.123(i) "Comment Period"  
Section 25-2, Activity 17 "Prepare DEIS for Circulation"  
Section 25-2, Activity 18 "Circulate DEIS"

The cited references provide relevant information on the circulation of a DEIS. The following discussion provides IDOT-specific information on DEIS circulation.

For the purpose of circulating a DEIS, public officials, interest groups, and members of the public known to have an interest in the preparation of the DEIS will include:

- appropriate State and local agencies that are authorized to develop and enforce environmental standards;
- any agency, organization, or person who has requested that they receive statements on actions of the type proposed;
- where relevant, officially designated State and local arts councils and other organizations with interests in design, art, and architecture, as appropriate; and
- the affected city(ies) and/or county(ies).

The following IDOT-specific guidance also applies to the DEIS circulation:

- In accordance with 23 CFR 123, distribute the DEIS so that all recipients receive it at least at the same time, if not before, the date that USEPA receives it for publication in the *Federal Register*.

A calendar date for return of comments shall be shown on the DEIS Cover Sheet. In establishing the calendar date (or other review period), a reasonable number of days should be added to the 45 days (i.e., the minimum comment period that must be provided after publication of the Notice of Availability) to allow for internal mail handling and for the DEIS to reach the recipient. The time between the date of publication of the Notice of Availability in the *Federal Register* and the end of the comment period should not exceed 60 days unless FHWA and participating agencies agree to a longer period.

- The transmittal letter to commenting entities shall indicate (1) the calendar date comments are due, (2) where to send comments, and (3) that the FEIS will be furnished to those who make substantive comments on the DEIS or request a copy.
- The DEIS shall be made available for review by the public on the Department website and at the district. A copy(ies) also should be made available, as appropriate, to public institutions (e.g., local governments, public libraries) to permit them to make it available for public review.

- The initial printing of the DEIS shall be of sufficient quantity to meet requests for copies that reasonably can be expected from agencies, organizations, and individuals. Copies will be furnished free of charge unless the IDOT Regional Engineer concludes that a fee, which is not more than the actual printing cost, should be charged. IDOT shall inform the FHWA of requests for DEISs that it is unable to fill with free copies. IDOT will direct the party to the IDOT website or the nearest location where they may review the DEIS. FHWA may receive requests during the comment period for copies of the Draft EIS. FHWA will pass along these requests to BDE, who will ensure these requests are fulfilled.

### **25-1.03(b) Final EIS (FEIS) Circulation**

References: 40 CFR 1502.19(d) "Recipients of FEIS"  
23 CFR 771.125(c) "Approval of FEIS"  
23 CFR 771.125(f) "Printing of FEIS"  
23 CFR 771.125(g) "Circulation of FEIS"  
Paragraph VI.C. of FHWA Technical Advisory T6640.8A "Abbreviated FEIS"  
Section 25-2, Activity 24 "Prepare/Process FEIS for Approval"  
Section 25-2, Activity 25 "Circulate FEIS"

The cited references provide relevant information on the circulation of a FEIS. The following IDOT-specific guidance also applies to the FEIS circulation:

- The FEIS shall be available for public review on the Department website and at the district office. A copy(ies) also should be made available, as appropriate, to public institutions (e.g., local governments, public libraries) to permit them to make it available for public review.
- Copies of the FEIS should be furnished free of charge as practical or at a fee that is not more than the actual printing or reproduction cost. The provisions for a DEIS also apply to a FEIS.
- Where the FEIS is voluminous and the number of comments on a DEIS is large, the district, BDE, and FHWA may jointly decide on alternative arrangements for distribution of the statement. One option could be to accomplish the distribution using electronic media (e.g., CDs, DVDs) to the extent practical. Where the commenting entities' interest in specific areas can be identified, the alternative arrangements may be the distribution of those sections of the FEIS that deal with their specific interests or areas of concern; summaries of those sections; or the response to the comment, which is included in the FEIS.

### **25-1.04 EIS Validity/Re-evaluations**

References: 23 CFR 771.129 "Re-evaluations"  
Section XI of FHWA Technical Advisory T6640.8A "Re-evaluations"



In general, a DEIS or FEIS remains valid for a period of three years. Where a written evaluation becomes necessary, the district will develop the evaluation in consultation with FHWA and BDE. It may be in the format of an Environmental Assessment (EA) or technical memorandum and shall address the presence or absence of significant changes in:

- the proposed action,
- the affected environment,
- the anticipated impacts, and
- proposed mitigation measures.

Sufficient detail shall be provided to support a decision that a formal EIS supplement, or a new EIS, is or is not necessary. Special environmental issues (e.g., agricultural lands, wetlands, floodplains, Section 4(f) lands) also should be discussed in the written evaluation, as appropriate. Coordination with interested and affected agencies or individuals should be undertaken as necessary; results of such coordination should be summarized and documented in the evaluation report.

Before undertaking any written evaluation, the district should discuss the project and its history with BDE and FHWA representatives. Report preparation and review by BDE and FHWA should follow the normal procedures used in processing EAs (see Chapter 24). For projects involving restricted time schedules or other limiting factors, special arrangements may be necessary; in such cases, BDE should be contacted for guidance. The final version of all written evaluations will be sent by BDE to the FHWA Division Office. BDE will submit the re-evaluation with a letter requesting FHWA concurrence that a supplemental EIS is or is not required.

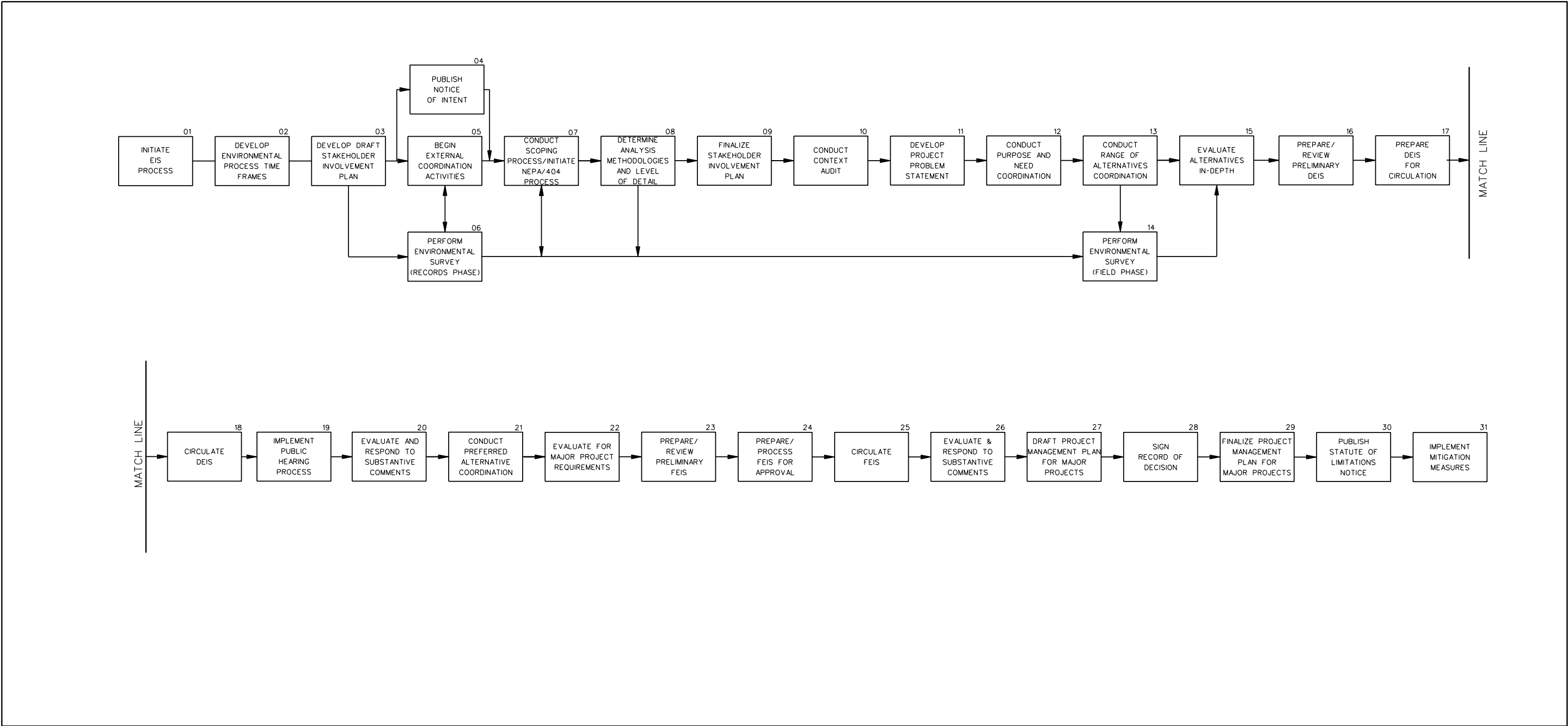


## 25-2 THE EIS PROCESS

Figure 25-2.A presents a flowchart that graphically illustrates the general process for an action processed with an Environmental Impact Statement (EIS). This is followed by a brief description of each activity within the flowchart. The user of Figure 25-2.A should consider the following:

1. Lines of Communication. The rigid application of the flowchart would lead to predetermined, precise points at which communication occurs between units. This is neither realistic nor desirable. Communication between units must be continuous. This will result in fewer problems and fewer “surprises” in the process.
2. Lead Federal Agency. Figure 25-2.A assumes that the Federal Highway Administration (FHWA) is the lead Federal agency for FHWA-funded projects. If a different agency is the lead Federal agency, other procedures may be required.
3. Application. Figure 25-2.A applies to all EIS projects involving State highways regardless of the source of funding.
4. Sequencing/Duration. Figure 25-2.B presents a bar chart for the EIS process that provides the approximate relative sequencing and duration for each activity within the process.

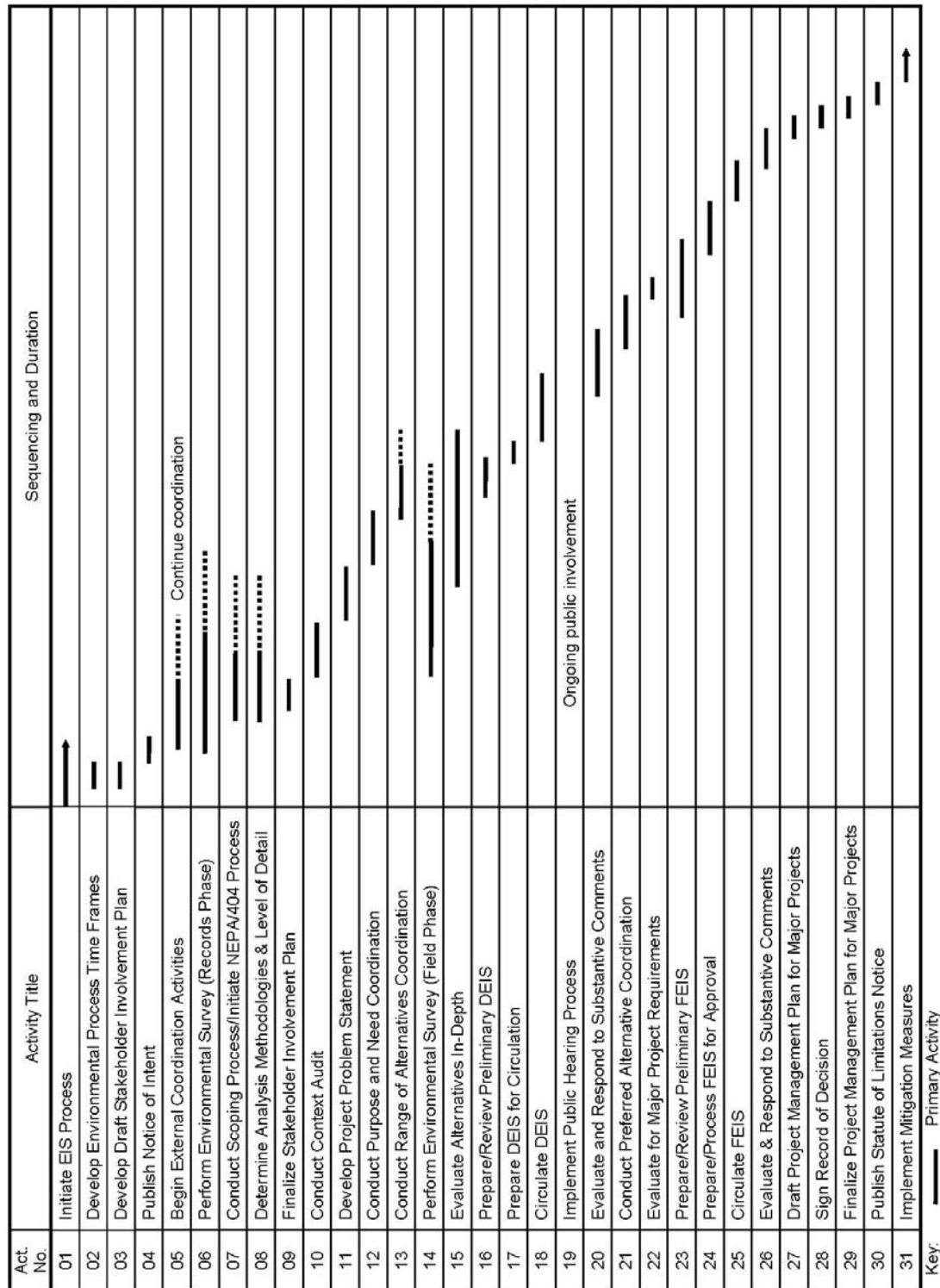




PROCESS FOR ENVIRONMENTAL IMPACT STATEMENT  
(FHWA Lead Agency)

Figure 25-2.A





**SEQUENCING/DURATION FOR ENVIRONMENTAL IMPACT STATEMENT PROCESS**

**Figure 25-2.B**

## EIS Process

Activity Title: Initiate EIS Process

Activity No.: 01

Responsible Unit: District/BDE

Activity Description:

For a proposed project requiring an EIS, the formal NEPA EIS process may be initiated once the action has been sufficiently defined (i.e., as to type of work, termini, length, and general location) and the district is ready to commit the necessary resources (e.g., appropriate staff, consultant services, funds) for accomplishing the process. BDE and FHWA encourage discussion of project initiation at coordination meetings.

To initiate the process, the district advises BDE it is ready to proceed and provides information on the following:

- description of the proposed project, including type of work, termini, length, and general location;
- listing of any other Federal approvals (e.g., Section 404 permits) anticipated to be necessary; and
- the proposed time frame for starting the environmental process.

BDE uses the information to prepare a Project Initiation Letter (see Figure 25-2.C) and sends the signed letter to the FHWA Division Office. The letter must be signed by the Department official with the authority to sign the EIS.

For EIS projects that the Regional Engineer has determined will use the principles of Context Sensitive Solutions (CSS), the district forms a CSS project study group, in accordance with the procedures described in Section 19-3.01(a). This may occur before or after BDE sends the signed Project Initiation Letter to FHWA. Public involvement commences once the project is assigned to the project study group. The project study group uses the Stakeholder Involvement Process as outlined in Sections 19-3.01(a) and 19-3.01(b) to conduct public involvement for CSS projects.

The district also assembles information that will be used in accomplishing the environmental process. The following are examples:

- results of the preliminary field check of the proposed project;
- results of biological, cultural, and special waste surveys (BDE);
- appropriate information from State and Federal environmental databases and reports;
- planning reports or studies;
- letters/correspondence on the project;
- traffic data;
- documentation on any public or private meetings;
- statistical data documenting need for improvement;
- Maintenance Management Information System (MMIS) data;
- appropriate information from engineering and Department databases;
- verification that the project is included in the applicable Transportation Improvement Program/State Transportation Improvement Program;
- existing right-of-way information; and
- information and decisions from the planning/programming process.



**EIS Process**

Activity Title: Initiate EIS Process

Activity No.: 01 (*Continued*)

Responsible Unit: District/BDE

References:

- 23 USC 139 "Efficient Environmental Reviews for Project Decision-making"
- 40 CFR 1501.2 "Early Application of NEPA"
- 40 CFR 1501.4 "When to Prepare an Environmental Impact Statement"
- 23 CFR 771.115(a) "Definition of Class I (EIS) Action"
- FHWA *SAFETEA-LU Environmental Review Process Final Guidance*, Questions 11 and 12 "Project Initiation"
- Section 22-3.06 "Proposed Action"
- Section 25-1 "General"
- *AASHTO Practitioner's Handbook 01 – Maintaining a Project File and Preparing an Administrative Record for a NEPA Study*, July 2006
- *AASHTO Practitioner's Handbook 09 – Using the SAFETEA-LU Environmental Review Process (23 USC 139)*, January 2008

RE: [Project Name]  
[Location]  
Notification of Project Initiation

Mr. Norman Stoner  
Division Administrator  
Federal Highway Administration  
Attn: Mr. Matt Fuller  
3250 Executive Park Drive  
Springfield, IL 62704

Dear Mr. Stoner:

The Illinois Department of Transportation (IDOT), in accordance with CEQ Regulations, 23 CFR 771, and 23 U.S.C. 139, is formally notifying the Federal Highway Administration (FHWA) - Illinois Division that IDOT has initiated the project planning process for the [Project Name]. The project corridor is located in [County], Illinois and is approximately [Number Miles] miles long (see attached map).

General Location of the Proposed Project:

The project study area encompasses [General Description]. The [Direction (e.g. Southern)] project terminus is [Describe Terminus]. The [Other Direction (e.g. Northern)] project terminus is [Describe Terminus]. The project limits were determined in coordination with the FHWA, based on [Describe Rationale or Name of Study to Identify Logical Termini].

Type of Work:

May include a very general description of the purpose and need of this project. The purpose and need description shall not be conclusive so as to preclude participating agency and public input in its development.

Potential Environmental Impacts:

*[May describe project context including known environmental resources, potential issues, land use/development plans. Briefly describe any potential issues for indirect and cumulative impacts. These should be initial identifications, not comprehensive details. The purpose of this section is to highlight items that may require special notice.]*

Additional Anticipated Federal Approvals Required:

*[List any anticipated Federal permits that likely are needed (e.g., 404 permit).]*

Should you have any questions or need additional information regarding this project initiation notification, please feel free to contact [Title, Name, Number for IDOT District and BDE Contact].

Sincerely,

[BDE/BLRS Bureau Chief Name]  
[Title]

cc: [Names as Appropriate]

**SAMPLE PROJECT INITIATION LETTER**

**Figure 25-2.C**

**EIS Process**

Activity Title: Develop Environmental Process Time Frames

Activity No.: 02

Responsible Unit: District/FHWA/BDE

Activity Description:

After receipt of the Project Initiation Letter, FHWA, the district, and BDE develop negotiated time frames for the environmental review process, in accordance with the FHWA/IDOT Statewide Implementation Agreement for establishing time frames for EISs and EAs; see Appendix A.

Time frame negotiations typically occur in conjunction with FHWA/IDOT coordination meetings. The meeting minutes document the approval of the time frames for the project by the appropriate FHWA and district personnel.

FHWA and the Department ensure involved environmental review and permitting agencies receive a copy of the time frame information as a part of the early coordination/scoping process.

The negotiated time frames may be revised, if necessary, as a result of input from participating and/or cooperating agencies or if new issues arise or priorities change. Revisions to the time frames will be addressed in accordance with the terms of the Statewide Implementation Agreement.

FHWA monitors all milestone dates for the negotiated time frames.

References:

- Illinois Statewide Implementation Agreement between the Federal Highway Administration and the Illinois Department of Transportation for Establishment of Timeframes for Environmental Impact Statements and Environmental Assessments

**EIS Process**

Activity Title: Develop Draft Stakeholder Involvement Plan

Activity No.: 03

Responsible Unit: District

Activity Description:

For projects using the principles of CSS, the CSS project study group develops a draft Stakeholder Involvement Plan to address involvement activities associated with CSS. The plan also addresses coordination with participating agencies, cooperating agencies, and the public pursuant to 23 USC 139, "Efficient Environmental Reviews for Project Decision-making." The district may obtain example plans from BDE for guidance.

FHWA and the Department, as joint lead agencies, must agree upon the content of the draft plan before it is distributed to external stakeholders.

For projects that are not using the principles of CSS, the district develops a draft Coordination Plan to address the coordination with participating agencies and the public pursuant to 23 USC 139.

References:

- 23 USC 139 "Efficient Environmental Reviews for Project Decision-making"
- FHWA SAFETEA-LU *Environmental Review Process Final Guidance*, Questions 47–57 "Coordination and Schedule"
- *Collaboration in NEPA – A Handbook for NEPA Practitioners*, Council on Environmental Quality, October 2007
- *AASHTO Practitioner's Handbook 05 – Utilizing Community Advisory Committees for NEPA Studies*, December 2006

**EIS Process**

Activity Title: Publish Notice of Intent

Activity No.: 04

Responsible Unit: District/BDE/FHWA

Activity Description:

After issuance of the Project Initiation Letter, development of environmental process time frames and a draft Stakeholder Involvement Plan, and before formal scoping, the district prepares a draft Notice of Intent. The district submits the draft Notice to BDE and the Notice is processed through the FHWA Division Office for publication in the *Federal Register*.

Appendix B of FHWA Technical Advisory T6640.8A discusses the format, content, and processing of the Notice of Intent in more detail. Figure 25-2.D presents the required format for the Notice. The Notice of Intent format is available from BDE as an electronic document.

References:

- 40 CFR 1501.7 "Scoping"
- 40 CFR 1508.22 "Definition of Notice of Intent"
- 23 CFR 771.123(a) "Publication of NOI in Federal Register"
- Appendix B of FHWA Technical Advisory T6640.8A "Preparation and Processing of NOI"

4910-22

## DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: [County or City], Illinois

AGENCY: Federal Highway Administration (FHWA), DOT

ACTION: Notice of Intent

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for ...

FOR FURTHER INFORMATION CONTACT: [Name], Division Administrator, Federal Highway Administration, 3250 Executive Park Drive, Springfield, Illinois 62703, Phone: [Office Phone Number]. [Name], Deputy Director of Highways, Region [Number] Engineer, Illinois Department of Transportation, [Office Address], Phone: [Office Phone Number].

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Illinois Department of Transportation (IDOT), will prepare an environmental impact statement (EIS) for ... *[In this section, provide (1) a brief narrative description of the proposed action (e.g., location of the action, type of construction, length of the project, needs to be addressed by the action); (2) a brief description of possible alternatives (e.g., upgrade existing facility, construction on new alignment, no action (should always be listed), multi-modal design); and (3) a brief description of the proposed scoping and public involvement process for the particular action, including whether, when, and where any scoping meeting(s) or public hearing(s) will be held.]*

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: [FHWA will enter the date.] \_\_\_\_\_

[Name]  
Division Administrator  
Springfield, Illinois

*[Note: Left margin should be 1.5 inches (40 mm) minimum and all others 1 inch (25 mm).]*

*All typing must be double spaced except for the information identifying the person signing the document.]*

## REQUIRED FORMAT FOR NOTICE OF INTENT

Figure 25-2.D

## EIS Process

Activity Title: Begin External Coordination Activities

Activity No.: 05

Responsible Unit: District/BDE/FHWA

Activity Description:

Coordination with governmental agencies and the public is one of the most important aspects of the EIS process. The district, FHWA, and BDE coordinate to identify agencies that should be invited to serve as participating agencies and/or cooperating agencies in the EIS process for the proposed project and Tribes and Section 106 consulting parties for historic properties. FHWA sends participating agency, Tribal, Section 106 consulting party, and cooperating agency invitation letters to Federal agencies and also sends the invitation letters to any State agencies that may serve as cooperating agencies. The district sends participating agency invitation letters to State and local agencies. The district will send invitations to Section 106 consulting parties and FHWA will send invitations to the Tribes. See Figures 25-2.E, 25-2.F, and 25-2.G for sample FHWA cooperating agency, participating agency, and Tribal invitation letters and see Figure 25-2.H for a sample IDOT participating agency invitation letter.

The invitations include a copy of the draft Stakeholder Involvement Plan and request agency input on the draft plan. As new stakeholders are identified throughout the environmental review process, the Stakeholder Involvement Plan is reviewed and revised, if necessary.

For EIS projects that the Regional Engineer has determined will use the principles of CSS, public involvement commences once the project is assigned to the project study group (see Activity 1).

References:

- 23 USC 139 "Efficient Environmental Reviews for Project Decision-making"
- 40 CFR 1500.1(b) "Environmental Information for Decision Making"
- 40 CFR 1500.2(d) "Public Involvement"
- 40 CFR 1500.5(b) "Interagency Cooperation"
- 40 CFR 1501.1(b) "Early Coordination"
- 40 CFR 1501.6 "Cooperating Agencies"
- 23 CFR 771.111 "Early Coordination and Public Involvement"
- CEQ Q&A, Question 9 "Needed Approval from Other Agencies"
- FHWA *SAFETEA-LU Environmental Review Process Final Guidance*, Questions 21–29 "Participating Agencies"
- FHWA *SAFETEA-LU Environmental Review Process Final Guidance*, Questions 30 and 31 "Cooperating Agencies"
- Section 22-5 "Coordination"
- Chapter 19 "Public Involvement Guidelines"
- *Collaboration in NEPA – A Handbook for NEPA Practitioners*, Council on Environmental Quality, October 2007
- *AASHTO Practitioner's Handbook 05 – Utilizing Community Advisory Committees for NEPA Studies*, December 2006
- *AASHTO Practitioner's Handbook 09 – Using the SAFETEA-LU Environmental Review Process (23 USC 139)*, January 2008

[Date]

[Address Title] [First Name] [Initial] [Last Name]

[Agency]

[Address]

[City], [State] [Zip Code]

Dear [Address Title] [Last Name]:

The Federal Highway Administration (FHWA), in cooperation with the Illinois Department of Transportation (IDOT), is initiating a Tier One Environmental Impact Statement (EIS) for the Elgin O'Hare - West Bypass. The project study area is located in DuPage and Cook Counties. The study area boundary is bordered by Interstate 90 (I-90) on the north, IL 53/Interstate 290 (I-290) on the west and south, and Interstate 294 (I-294) on the east.

The study area covers approximately 50 square miles. The project area is a densely developed suburban area comprised of residential, commercial and industrial development. Major transportation hubs of national significance are present in the project area including O'Hare International Airport and the Bensenville railroad yard as well as five interstate facilities (I-355, I-190, I-90, I-294 and I-290).

The Tier One EIS will include an evaluation of transportation system needs across the entire study area as well as the development and evaluation of multi-modal system alternatives. A travel demand model and a Geographic Information System (GIS) database will be the primary technical tools used to identify transportation system needs and potential environmental impacts during the Tier One EIS.

The Tier One EIS will conclude with a record of decision selecting a preferred transportation system alternative(s). Following the Tier One EIS, projects with independent utility may be advanced to Tier Two National Environmental Policy Act (NEPA) document(s) that will focus on detailed environmental analyses.

The FHWA and IDOT, as joint lead agencies for this project, are responsible for identifying Federal, State and local agencies that may have an interest in the project and inviting those entities to be participating agencies. Pursuant to Section 6002 of the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), participating agencies are responsible to identify, as early as possible, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. Additionally, FHWA is required to invite agencies with jurisdiction by law or with special expertise with respect to environmental issues to be cooperating agencies, in accordance with 40 CFR 1501.6 of the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act.

The FHWA and IDOT identified the [Agency Name] [(Agency Acronym)] as an agency that may have an interest in the project because of the potential environmental impacts in the proposed project area and [Agency Acronym] has special expertise with respect to this and other environmental issues. Therefore, with this letter, FHWA and IDOT invite the [Agency Acronym] to become a *participating agency* and a *cooperating agency* in the

## **SAMPLE FHWA INVITATION LETTER FOR A COOPERATING AGENCY**

**Figure 25-2.E**



development of the EIS for the *cooperating agency* in the development of the EIS for the Elgin O'Hare-West Bypass project. The designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the project.

FHWA and IDOT propose that your agency's role in the development of the above project should include the following as they relate to your area of expertise:

1. Provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be carried forward, and the methodologies and level of detail required in the alternatives analysis;
2. Participate in coordination meetings and joint field reviews, as appropriate; and
3. Timely review and comment on the pre-draft or pre-final Environmental documents to reflect the views and concerns of your agency on the adequacy of the document, alternatives considered, and the anticipated impacts and mitigation.

Please respond to our office at the above listed address in writing, with an acceptance or denial of this invitation to be both a cooperating and participating agency prior to [30-day Response Deadline Date]. If your agency declines to be a participating agency, the response should state your reason for declining the invitation. Pursuant to SAFETEA-LU Section 6002, a Federal agency that chooses to decline to be a participating agency must specifically state in its response that it:

- Has no jurisdiction or authority with respect to the project;
- Has no expertise or information relevant to the project; and
- Does not intend to submit comments on the project.

If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact [Name], FHWA Environmental Programs Engineer at (217) 492-4625, or [Name], IDOT Environmental Section Chief, Bureau of Design and Environment at (217) 785-4245.

Thank you for your cooperation and interest in this project.

Sincerely,

[Name]  
FHWA Illinois Division Administrator

cc: Bureau Chief of Design and Environment

IDOT Deputy Director, Region 1 Engineer

Ecc: FHWA Division Office

## **SAMPLE FHWA INVITATION LETTER FOR A COOPERATING AGENCY**

**Figure 22-2.E**  
(Continued)

[Date]

[Address Title] [First Name] [Initial] [Last Name]

[Title]

[Agency]

[Address]

[City], [State] [Zip Code]

Dear [Address Title] [Last Name]:

The Federal Highway Administration (FHWA), in cooperation with the Illinois Department of Transportation (IDOT), is initiating a Tier One Environmental Impact Statement (EIS) for the Elgin O'Hare - West Bypass. The project study area is located in DuPage and Cook Counties. The study area boundary is bordered by Interstate 90 (I-90) on the north, IL 53/Interstate 290 (I-290) on the west and south, and Interstate 294 (I-294) on the east.

The study area covers approximately 50 square miles. The project area is a densely developed suburban area comprised of residential, commercial and industrial development. Major transportation hubs of national significance are present in the project area including O'Hare International Airport and the Bensenville railroad yard as well as five interstate facilities (I-355, I-190, I-90, I-294 and I-290).

The Tier One EIS will include an evaluation of transportation system needs across the entire study area as well as the development and evaluation of multi-modal system alternatives. A travel demand model and a Geographic Information System (GIS) database will be the primary technical tools used to identify transportation system needs and potential environmental impacts during the Tier One EIS.

The Tier One EIS will conclude with a record of decision selecting a preferred transportation system alternative(s). Following the Tier One EIS, projects with independent utility may be advanced to Tier Two National Environmental Policy Act (NEPA) document(s) that will focus on detailed environmental analyses.

The FHWA and IDOT, as joint lead agencies for this project, are responsible for identifying Federal, State and local agencies that may have an interest in the project and inviting those entities to be participating agencies. Pursuant to Section 6002 of the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), participating agencies are responsible to identify, as early as possible, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.

The FHWA and IDOT identified the [Agency Name] [(Agency Acronym)] as an agency that may have an interest in the project. Therefore, with this letter, FHWA and IDOT invite [Agency Acronym] to become a *participating agency* in the development of the EIS for the Elgin O'Hare-West Bypass project. The designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the project.

## **SAMPLE FHWA INVITATION LETTER FOR A PARTICIPATING AGENCY**

**Figure 25-2.F**

FHWA and IDOT propose that your agency's role in the development of the above project should include the following as they relate to your area of expertise:

1. Provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be carried forward, and the methodologies and level of detail required in the alternatives analysis;
2. Participate in coordination meetings and joint field reviews, as appropriate; and
3. Timely review and comment on the pre-draft or pre-final Environmental documents to reflect the views and concerns of your agency on the adequacy of the document, alternatives considered, and the anticipated impacts and mitigation.

Please respond to our office at the above listed address in writing, with an acceptance or denial of this invitation to be a participating agency prior to *[30-day Response Deadline Date]*. If your agency declines to be a participating agency, the response should state your reason for declining the invitation. Pursuant to SAFETEA-LU Section 6002, a Federal agency that chooses to decline to be a participating agency must specifically state in its response that it:

- Has no jurisdiction or authority with respect to the project;
- Has no expertise or information relevant to the project; and
- Does not intend to submit comments on the project.

If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact *[Name]*, FHWA Environmental Programs Engineer at (217) 492-4625, or *[Name]*, IDOT Environmental Section Chief, Bureau of Design and Environment at (217) 785-4245.

Thank you for your cooperation and interest in this project.

Sincerely,

*[Name]*  
FHWA Illinois Division Administrator

cc: Bureau Chief of Design and Environment  
IDOT Deputy Director, Region 1 Engineer  
Ecc: FHWA Division Office

## **SAMPLE FHWA INVITATION LETTER FOR A PARTICIPATING AGENCY**

**Figure 25-2.F**  
(Continued)

[Date]

[Address Title] [First Name] [Initial] [Last Name]

[Title], [Tribe Name]

[Address]

[City], [State] [Zip Code]

Dear [Address Title] [Last Name]:

The Federal Highway Administration (FHWA), in cooperation with the Illinois Department of Transportation (IDOT) is initiating an Environmental Impact Statement (EIS) for the US Route 51 project. The project limits extend from County Road (CR) 900 N (south of Pana, IL) to CR 2150 N (east of Irvington, IL). The study area extends 70 miles through the Illinois counties of Christian, Shelby, Fayette, Marion, Clinton, Jefferson and Washington. The project area is primarily rural with several communities along the corridor. Resources within the study area include agricultural, historical and natural resources.

The FHWA and IDOT, as joint lead agencies for this project, are responsible for identifying Federal, Tribal, State and local agencies that may have an interest in the project and inviting those entities to be participating agencies. Pursuant to Section 6002 of the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), participating agencies are responsible to identify, as early as possible, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. Furthermore, Section 106 of the National Historic Preservation Act (Section 106) encourages Federal agencies to invite consulting parties, entities with an interest in the Federal undertaking, to participate in the Section 106 review process.

The FHWA and IDOT identified the [Tribe Name] as a Tribal government that may have an interest in the project. Therefore, with this letter, FHWA and IDOT invite the [Tribe Name] to become a *participating agency* and a *Section 106 consulting party* in the development of the US 51 EIS. The designation does not imply that the [Tribe Name] supports the proposal.

The FHWA and IDOT propose that your agency's role in the development of the above project should include the following as they relate to your area of expertise:

1. Provide meaningful and early input on defining the project's purpose and need, determining the range of alternatives to be carried forward, and the methodologies and level of detail required in the alternatives analysis;
2. Participate in coordination meetings and joint field reviews, as appropriate; and
3. Participate and comment on appropriate Section 106 documentation.

### **SAMPLE FHWA INVITATION LETTER FOR A TRIBE**

**Figure 25-2.G**

Please respond to our office at the above listed address in writing, with an acceptance or denial of this invitation to be both a participating agency and a consulting party prior to *[30-day Response Deadline Date]*. Pursuant to SAFETEA-LU Section 6002, a non-Federal agency must accept in writing to be a participating agency.

If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact *[Name]*, FHWA Environmental Programs Engineer at (217) 492-4625, or *[Name]*, IDOT Environmental Section Chief, Bureau of Design and Environment at (217) 785-4245.

Thank you for your cooperation and interest in this project.

Sincerely,

*[Name]*

FHWA Illinois Division Administrator

**SAMPLE FHWA INVITATION LETTER FOR A TRIBE**

**Figure 25-2.G**  
(Continued)

[Date]

[Address Title] [First Name] [Initial] [Last Name]

[Title]

[Agency]

[Address]

[City], [State] [Zip Code]

Re: I-290 Eisenhower Expressway Preliminary Engineering and Environmental (Phase I) Study; Cook County

Dear [Address Title] [Last Name]:

The Federal Highway Administration (FHWA), in cooperation with the Illinois Department of Transportation (IDOT), is initiating an Environmental Impact Statement (EIS) for the I-290 Eisenhower Expressway. The study limits for this project extend from just West of Mannheim Road to just East of Cicero Avenue. I-290 is a major link in the transportation network serving northeast Illinois, and serves as the Western gateway to and from the City of Chicago and beyond. This network also serves important regional intermodal freight railroad terminals, as well as various modes of public transportation.

FHWA and IDOT will complete an EIS for the I-290 Eisenhower Expressway in order to satisfy National Environmental Policy Act (NEPA) requirements. FHWA is the Federal Agency responsible for final approval of the environmental document. This study and the supporting environmental documents will be governed by federal and state regulatory requirements. The requirements include NEPA, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Section 106 of the National Historic Preservation Act and Context Sensitive Solutions (CSS). These requirements create opportunities for State, Federal, and local agencies as well as the public to provide input into the project development process.

FHWA and IDOT, as joint lead agencies for this project, are responsible for identifying government agencies that may have an interest in the project and inviting those entities to be participating agencies. Your agency has been identified as one that may have an interest in this project, because of your jurisdiction or authority with respect to the project; accordingly, you are being extended this invitation to become a participating agency. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the project. Participating agencies are afforded the opportunity to be involved in key aspects of the planning process, including:

- Early identification of any issues of concern regarding the project's potential environmental or socioeconomic impacts;
- Providing input to the project's purpose and need,
- Providing input to the alternative development and evaluation process, and
- Review and comment on other items such as level of detail of study, methodologies for alternative development and analysis, and environmental impact analysis.

**SAMPLE IDOT INVITATION LETTER FOR A PARTICIPATING AGENCY  
AND SECTION 106 CONSULTING PARTY**

**Figure 25-2.H**

Attached as a third page to this letter, you will find a form that will allow you to check a response to either accept or decline the offer to become a participating agency. Please check the response that is appropriate for you, and return this form to IDOT using the enclosed self addressed, stamped envelope prior to *[30-day Response Deadline Date]*.

Please note that non-Federal agencies must formally accept the invitation in order to be considered a participating agency. If your agency declines to be a participating agency, the response should state your reason for declining the invitation, and your comments regarding the process may be recorded through available public/stakeholder involvement venues, e.g. Corridor Advisory Group, Task Forces, Public Meetings, etc. See the attachment for further definition of the role of a participating agency.

Additionally, as a local government agency in the project area, your agency is entitled to participate as a Section 106 consulting party. The Section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings. The role of consulting parties is to consult with IDOT and FHWA during the project development process to provide information on potential historic properties in the project area, provide comments on potential affects to historic properties and consult to seek ways to avoid, minimize or mitigate adverse effects upon historic properties. Throughout the project development process, we will be seeking your input as a consulting party on these issues.

If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of the EIS, please contact *[Name]*, Bureau Chief of Programming at (847) 705-4393.

Thank you for your cooperation and interest in this project.

Very truly yours,

*[Name]*

Deputy Director of Highways,  
Region One Engineer

Attachment

**SAMPLE IDOT INVITATION LETTER FOR A PARTICIPATING AGENCY  
AND SECTION 106 CONSULTING PARTY**

**Figure 25.2H**  
(Continued)

**Participating Agency Response**

Accept: \_\_\_\_\_

Do Not Accept: \_\_\_\_\_

Reason (s) for not accepting:

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Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**SAMPLE IDOT INVITATION LETTER FOR A PARTICIPATING AGENCY  
AND SECTION 106 CONSULTING PARTY**

**Figure 25.2H**  
(Continued)



**Attachment*****Role of a Participating Agency***

The recent Federal transportation legislation (SAFETEA-LU, 2005) expanded participation in federally funded transportation projects for non-federal agencies with the provision of a "Participating Agency" status. The intent was to broaden formal participation to agencies that have genuine interest in the project. For the I-290 Phase I Study, this means cities, villages, townships, counties and others that would be potentially affected by transportation improvements.

IDOT has extended your agency an opportunity to serve as a "Participating Agency". This is a formal designation that affords you access to the study process; to provide input on key matters early in the process, and to review and comment on outputs from the process. There is an expectation that goes with the status of a "Participating Agency" and that will be your involvement on key matters to ensure timely input and timely decisions that reflects that input. These key milestones are:

- Project Purpose and Need
- Study Methods to be used in the Evaluation
- Alternative Development and Evaluation
- Identification of the Preferred Alternative

IDOT encourages agencies to become participating agencies and to become actively involved with this study. However, you may choose to decline the invitation, and take part in the study process as a non-participating agency. Whereas, your role would be less formalized, you would still have the opportunity to provide input and review project materials through the established public involvement process. For those who are members of the Corridor Advisory Group (CAG), regular opportunities for input and review will be provided through that mechanism as well.

**SAMPLE IDOT INVITATION LETTER FOR A PARTICIPATING AGENCY  
AND SECTION 106 CONSULTING PARTY**

**Figure 25.2H**  
(Continued)

**EIS Process**

Activity Title: Perform Environmental Survey (Records Phase)

Activity No.: 06

Responsible Unit: BDE

Activity Description:

In response to the district's submittal of an Environmental Survey Request, BDE performs a record survey to access published information and determine the need for further investigation of the following:

- wetlands;
- archaeological resources, historic standing structures and bridges;
- Federal/State threatened or endangered species or their critical/essential habitat;
- Illinois Natural Areas Inventory Sites; and
- special waste sites.

As indicated in the EIS flowchart, BDE provides this information to the district as it becomes available to assist in the progression of activities in the EIS process. If determined necessary, BDE initiates field surveys to further identify and evaluate critical environmental resources that might affect decisions at this point.

Concurrent with the survey work by BDE, the district conducts activities (e.g., researching environmental databases, contacting environmental resource agencies) to support the objective of inventorying the project's affected environment for resources and issues of concern. Examples of resources/issues of concern, in addition to those being addressed by BDE, include:

- Section 4(f) and/or Section 6(f) properties,
- Wild and Scenic Rivers,
- sensitive noise receptors,
- air quality nonattainment/maintenance areas,
- social/economic characteristics,
- visual quality,
- floodplains,
- water quality of surface waters,
- prime farmland,
- upland plant communities,
- groundwater recharge areas,
- wellhead protection areas, and
- wildlife resources (biodiversity, riparian habitat, etc.).

References:

- 40 CFR 1500.1(b) "Environmental Information for Decision-Making"
- Chapter 27 "Environmental Surveys"

**EIS Process**

Activity Title: Conduct Scoping Process/Initiate NEPA/404 Process

Activity No.: 07

Responsible Unit: District/BDE/FHWA

Activity Description:

Scoping is an early and open process for determining the scope of issues to be addressed in the EIS and for identifying potential significant issues related to the proposed action. Scoping is intended to focus the study effort on issues that are truly significant and avoid the collection of needless detailed information on insignificant issues.

For an EIS, a scoping process is required. Part 1501.7 of the *CEQ Regulations* discusses scoping. The following information is also relevant:

1. Meeting. A formal scoping meeting may or may not be necessary. See Section 22-5. The district may accomplish scoping during other formal/informal meetings and field reviews or through written or verbal communication.
2. Limits. The limits of scoping should be determined through agreement among the Department, FHWA, and any cooperating and/or participating agencies or other agencies having special expertise or jurisdiction by law on the issues. If an agreement cannot be reached, the lead agency is responsible for making the final scoping determination.
3. Comprehensiveness. The objective of scoping is to identify early in project development all environmental issues that may surface so, as practical, NEPA can serve as a "one-stop" process. This includes, for example, issues that typically must be addressed later in project development (e.g., Section 404 permit, Section 10 permit).
4. Schedule. The district must communicate the tentative planning and decision-making schedule so the timing of the environmental analyses can be arranged to meet the project schedule.

If cooperating agencies are involved, the district should ask during the scoping process if the agency wishes to review the preliminary DEIS before the official DEIS is circulated.

The district reviews the results of the scoping process with BDE and FHWA to confirm the scope of issues to be addressed and the significant issues involved with the project. It is critical that the district document the results of the scoping process (e.g., in a summary of comments and responses, meeting minutes, memorandum to the file) to provide a written record of all comments, issues, concerns, etc., provided by those agencies involved in the process. At a minimum, the documentation should include the following:

- who participated in the scoping process (both names and agencies),
- what information was provided (from whom and to whom), and
- what decisions were made on the scope of issues to be addressed and any significant issues identified.

**EIS Process**

Activity Title: Conduct Scoping Process

Activity No.: 07 (Continued)

Responsible Unit: District/BDE/FHWA

In conjunction with the initiation of scoping activities, at this point, the district, in cooperation with FHWA and BDE, will initiate the Concurrent NEPA/404 Processes for projects requiring an individual permit from the Corps of Engineers. The processes will be initiated in accordance with the approved Statewide Implementation Agreement. See Section 22-4 for further guidance.

References:

- 40 CFR 1501.7 "Scoping"
- 23 CFR 771.123(b) "Scoping"
- "Background" Section of FHWA Technical Advisory T6640.8A
- Section 22-4 "Concurrent NEPA/404 Processes"
- Section 22-5 "Coordination"
- BLE Information Memorandum 9-81 "CEQ Scoping Guidance"
- *Collaboration in NEPA – A Handbook for NEPA Practitioners*, Council on Environmental Quality, October 2007
- *AASHTO Practitioner's Handbook 05 – Utilizing Community Advisory Committees for NEPA Studies*, December 2006

**EIS Process**

Activity Title: Determine Analysis Methodologies and Level of Detail

Activity No.: 08

Responsible Unit: District/FHWA/BDE

Activity Description:

The district, FHWA, and BDE collaborate with participating agencies in determining the appropriate methodologies to be used and the level of detail required in the environmental analysis of project alternatives. Consensus is not required, but the views of the participating agencies must be considered before making decisions on particular methodologies.

As the environmental review process progresses, the district, FHWA, and BDE coordinate information regarding the analysis methodologies and level of detail with the participating agencies on an ongoing basis and may agree to revisit previous decisions on those aspects if new information warrants.

References:

- 23 USC 139 "Efficient Environmental Reviews for Project Decision-making"
- FHWA *SAFETEA-LU Environmental Review Process Final Guidance*, Question 38 "Alternatives Analysis"
- *AASHTO Practitioner's Handbook 09 – Using the SAFETEA-LU Environmental Review Process* (23 USC 139), January 2008

**EIS Process**

Activity Title: Finalize Stakeholder Involvement Plan

Activity No.: 09

Responsible Unit: District/FHWA/BDE

Activity Description:

The project study group coordinates with FHWA and BDE to finalize the Stakeholder Involvement Plan, incorporating changes as needed to respond to input from participating agencies, cooperating agencies and the public.

References:

- 23 USC 139 "Efficient Environmental Reviews for Project Decision-making"
- FHWA *SAFETEA-LU Environmental Review Process Final Guidance*, Questions 47–57 "Coordination and Schedule"
- *Collaboration in NEPA – A Handbook for NEPA Practitioners*, Council on Environmental Quality, October 2007
- *AASHTO Practitioner's Handbook 05 – Utilizing Community Advisory Committees for NEPA Studies*, December 2006

**EIS Process**

Activity Title: Conduct Context Audit

Activity No.: 10

Responsible Unit: District

Activity Description:

For EIS projects using the principles of CSS, the CSS project study group initiates contacts with stakeholders to conduct a context audit. The purpose of the context audit is to help identify various characteristics that define the context for the project. The CSS project study group applies the context audit procedures described in Section 19-3.01(a).

References:

- Section 19-3.01(a) "The Stakeholder Involvement Process (SIP) for Use with Context Sensitive Solutions"
- *AASHTO Practitioner's Handbook 05 – Utilizing Community Advisory Committees for NEPA Studies*, December 2006

**EIS Process**

Activity Title: Develop Project Problem Statement

Activity No.: 11

Responsible Unit: District

Activity Description:

For projects using the principles of CSS, after the context audit is completed, the CSS project study group meets with stakeholders to develop a clear statement of the transportation problem(s) the project will address. The CSS project study group seeks stakeholder input on current transportation problems in the area and how the proposed project might help alleviate them.

The CSS project study group translates the stakeholder input into a clear statement of the transportation problems that should be, and can be, solved by the project. Once a clear problem statement is completed, it must be accepted by consensus of the stakeholders. See Section 19-3.01(a).

The district uses the accepted project problem statement in defining the project purpose and need.

References:

- Section 19-3.01(a) "The Stakeholder Involvement Process (SIP) for Use with Context Sensitive Solutions"
- *AASHTO Practitioner's Handbook 05 – Utilizing Community Advisory Committees for NEPA Studies*, December 2006
- *AASHTO Practitioner's Handbook 07 – Defining the Purpose and Need and Determining the Range of Alternatives for Transportation Projects*, August 2007



## EIS Process

Activity Title: Conduct Purpose and Need Coordination

Activity No.: 12

Responsible Unit: District/FHWA/BDE

Activity Description:

The district, in cooperation with FHWA and BDE, contacts participating agencies and provides notice to the public/stakeholders to afford the opportunity for involvement in development of the purpose and need statement for the project. The district, FHWA, and BDE determine the level of involvement case-by-case, taking into account the overall size and complexity of the project. The opportunity for involvement may occur in the form of public workshops or meetings, solicitations of verbal or written input, conference calls, postings on websites, distribution of printed materials, or other involvement techniques or media. For projects using the principles of CSS, the objective for the CSS project study group is to achieve consensus acceptance of the purpose and need statement by the stakeholders.

For projects subject to the Statewide Implementation Agreement for Concurrent NEPA/404 Processes, the district, FHWA, and BDE accomplish coordination and meetings necessary to obtain concurrence from the signatory agencies on the purpose and need statement, in accordance with the Agreement.

The district, in cooperation with FHWA and BDE, documents the decision on purpose and need and the considerations involved in the decision. The district provides the information to participating agencies to ensure any disputes are identified as early as possible.

If the purpose and need changes after consensus acceptance by the stakeholders is achieved, the district will coordinate the revised purpose and need statement with the stakeholders to ensure it has consensus acceptance.

References:

- 23 USC 139 "Efficient Environmental Reviews for Project Decision-making"
- FHWA *SAFETEA-LU Environmental Review Process Final Guidance*, Questions 32–35 "Purpose and Need"
- Section 19-3.01(a) "The Stakeholder Involvement Process (SIP) for Use with Context Sensitive Solutions"
- Section 22-4 "Concurrent NEPA/404 Processes"
- *AASHTO Practitioner's Handbook 05 – Utilizing Community Advisory Committees for NEPA Studies*, December 2006
- *AASHTO Practitioner's Handbook 07 – Defining the Purpose and Need and Determining the Range of Alternatives for Transportation Projects*, August 2007
- *AASHTO Practitioner's Handbook 09 – Using the SAFETEA-LU Environmental Review Process (23 USC 139)*, January 2008

## EIS Process

Activity Title: Conduct Range of Alternatives Coordination

Activity No.: 13

Responsible Unit: District/FHWA/BDE

Activity Description:

When work on the purpose and need statement is complete, the district, in cooperation with FHWA and BDE, contacts participating agencies and provides notice to the public/stakeholders to afford the opportunity for involvement in development of the range of alternatives for the project. The district, FHWA, and BDE determine the level of involvement case-by-case, taking into account the overall size and complexity of the project. The opportunity for involvement may occur in the form of public workshops or meetings, solicitations of verbal or written input, conference calls, postings on websites, distribution of printed materials, or other involvement techniques or media. For projects using the principles of CSS, the objective for the CSS project study group is to achieve consensus acceptance of the range of alternatives by the stakeholders.

For projects subject to the Statewide Implementation Agreement for Concurrent NEPA/404 Processes, the district, FHWA, and BDE accomplish coordination and meetings necessary to obtain concurrence from the signatory agencies on the alternatives to be carried forward, in accordance with the terms of the Agreement.

The district, FHWA, and BDE ensure that the activities for development of the range of alternatives include appropriate consideration of resources/issues of concern identified in the project's affected environment (see Activity 07).

The district, in cooperation with FHWA and BDE, documents the decision on range of alternatives and the considerations involved in the decision. The district provides the information to participating agencies to ensure any disputes are identified as early as possible.

If the range of alternatives changes after consensus acceptance by the stakeholders is achieved, the district will coordinate the revised range of alternatives with the stakeholders to ensure that they have consensus acceptance.

References:

- 23 USC 139 "Efficient Environmental Reviews for Project Decision-making"
- FHWA SAFETEA-LU *Environmental Review Process Final Guidance*, Questions 36–38 "Alternatives Analysis"
- Section 19-3.01(a) "The Stakeholder Involvement Process (SIP) for Use with Context Sensitive Solutions"
- Section 22-4 "Concurrent NEPA/404 Processes"
- *AASHTO Practitioner's Handbook 05 – Utilizing Community Advisory Committees for NEPA Studies*, December 2006
- *AASHTO Practitioner's Handbook 07 – Defining the Purpose and Need and Determining the Range of Alternatives for Transportation Projects*, August 2007
- *AASHTO Practitioner's Handbook 09 – Using the SAFETEA-LU Environmental Review Process (23 USC 139)*, January 2008

**EIS Process**

Activity Title: Perform Environmental Survey (Field Phase)

Activity No.: 14

Responsible Unit: BDE

Activity Description:

In Activity 06, BDE performed the Records Phase of the environmental survey. During this activity, BDE determines if further field work is necessary to verify or further evaluate the location, nature, and extent of potential resource involvement. If determined necessary, BDE coordinates, as appropriate, with the responsible agencies and the district for the field survey(s). BDE provides the district documentation of the survey results and recommendations on resources identified.

For special waste sites, the special waste screening process completed by the district identifies the need for further field work.

As indicated in the EIS flowchart, the Field Survey phase is performed in coordination with other Activities.

References:

- Chapter 27 "Environmental Surveys"

## EIS Process

Activity Title: Evaluate Alternatives In Depth

Activity No.: 15

Responsible Unit: District/BDE/FHWA

Activity Description:

For each reasonable alternative, the district must identify and evaluate in detail those environmental impacts that will likely be caused by the construction and operation of the proposed action.

The district, in cooperation with BDE, initiates those studies necessary to determine the environmental impacts (direct, and indirect and cumulative, as applicable) of the proposed project alternatives. The nature of the studies includes:

- coordination with affected local, State, and Federal agencies and the public; and
- an evaluation of the potential environmental impacts including:
 

<ul style="list-style-type: none"> <li>+ social/economic;</li> <li>+ agricultural;</li> <li>+ historic/archaeological;</li> <li>+ air quality;</li> <li>+ aesthetics;</li> <li>+ noise;</li> <li>+ energy;</li> <li>+ surface water resources;</li> <li>+ groundwater resources;</li> <li>+ water quality;</li> </ul>	<ul style="list-style-type: none"> <li>+ floodplains and hydrologic assessment;</li> <li>+ wetlands;</li> <li>+ endangered and threatened species;</li> <li>+ wildlife resources;</li> <li>+ upland plant communities;</li> <li>+ special waste sites;</li> <li>+ Section 4(f)/6(f);</li> <li>+ aquatic resources; and</li> <li>+ other issues as applicable (e.g., Wild and Scenic Rivers, Wellhead Protection Zones, regulated ground-water recharge areas).</li> </ul>
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References:

- 40 CFR 1502.14 "Alternatives Including the Proposed Action"
- 40 CFR 1502.16 "Environmental Consequences"
- 23 CFR 771.111(e) "Coordination with Affected States and Federal Land Management Entities"
- 23 CFR 771.111(f) "Logical Termini, Independent Utility, Effect on Other Projects"
- 23 CFR 771.111(h) "Public Involvement"
- CEQ Q&A, Questions 1, 2, and 3 "Identification and Evaluation of Alternatives"
- Paragraph V.E. of FHWA Technical Advisory T6640.8A "Alternatives"
- Section 22-3.09 "Selection of Preferred Alternative"
- Section 22-6.04 "Logical Termini"

## EIS Process

Activity Title: Prepare/Review Preliminary DEIS

Activity No.: 16

Responsible Unit: District

Activity Description:

At this stage of project development, the district will have received input from the appropriate agencies and the public, will have evaluated in depth the selected reasonable alternatives, and will have received input on any special technical reports. Before circulation of the DEIS, a preliminary version of the DEIS must be prepared and reviewed by the Department and FHWA to evaluate its adequacy for distribution. The following process applies to the review of the preliminary DEIS:

- The district submits the preliminary DEIS to BDE.
- BDE reviews and evaluates the preliminary DEIS and notifies the district of any required revisions, if necessary, before proceeding with further reviews.
- BDE submits the preliminary DEIS to the Office of IDOT Chief Counsel.
- After receipt of comments from the Office of IDOT Chief Counsel or after expiration of the three-week period for receipt of such comments, the preliminary DEIS is submitted to the FHWA Division Office through BDE for review and evaluation. Concurrently, the district provides the preliminary DEIS to any cooperating agencies that requested a copy during the scoping process (Activity 07).
- FHWA legal counsel will review the draft EIS upon request; however, only the Final EIS is evaluated for legal sufficiency.
- BDE sends its comments and FHWA's comments to the district. BDE may transmit the comments together, depending on when they are available.

References:

- 40 CFR 1502.1 "Purpose of EIS"
- 40 CFR 1502.10 "Recommended EIS Format"
- 40 CFR 1502.11 "Cover Sheet"
- 40 CFR 1502.12 "Summary"
- 40 CFR 1502.13 "Purpose and Need Documentation"
- 40 CFR 1502.14 "Alternatives Documentation"
- 40 CFR 1502.15 "Affected Environment Documentation"
- 40 CFR 1502.16 "Environmental Consequences Documentation"
- 40 CFR 1502.17 "List of Preparers"
- 40 CFR 1502.18 "Appendix"
- 23 CFR 771.123(c) "Who Prepares EIS; Alternatives Discussion"
- 23 CFR 771.123(d) "Use of Consultants"
- Section V of FHWA Technical Advisory T6640.8A "Format and Content of EIS"
- Section 25-3 "Format and Content of EIS"
- *Synthesis of Data Needs for EA and EIS Documentation – A Blueprint for NEPA Document Content*, prepared at the request of AASHTO, January 2005
- *Improving the Quality of Environmental Documents*, Joint AASHTO/ACEC Committee in Cooperation with FHWA, May 2006

**EIS Process**

Activity Title: Prepare DEIS for Circulation

Activity No.: 17

Responsible Unit: District/BDE/FHWA

Activity Description:

At this stage, the district will have received input from BDE, the Office of Chief Counsel, FHWA, and cooperating agencies, as applicable, on the preliminary DEIS. The following process applies to the preparation and processing of the DEIS for approval to circulate:

- The district revises the preliminary DEIS in response to comments from BDE, the Office of Chief Counsel, etc., and provides a disposition of comments to BDE. BDE provides the disposition of comments to FHWA. The district submits the appropriate number of copies of the DEIS and cover sheet to BDE.
- The Engineer of Design and Environment signs the cover sheet for the Department.
- BDE submits the DEIS to the FHWA Division Office.
- The FHWA Division Office signs the cover sheet of the DEIS.
- BDE then returns a signed cover sheet to the district.

References:

- 23 CFR 771.123(e) "Approval of EIS"
- Section 25-3 "Format and Content of EIS"
- *Synthesis of Data Needs for EA and EIS Documentation – A Blueprint for NEPA Document Content*, prepared at the request of AASHTO, January 2005
- *Improving the Quality of Environmental Documents*, Joint AASHTO/ACEC Committee in Cooperation with FHWA, May 2006

## EIS Process

Activity Title: Circulate DEIS

Activity No.: 18

Responsible Unit: District/BDE/FHWA/USEPA

Activity Description:

The district has the primary responsibility for circulating the DEIS to appropriate governmental agencies, public officials, interest groups, and the public. The district should mail the DEIS to these commenting parties no later than the date FHWA sends the document to the US Environmental Protection Agency (USEPA) (see below). Section 25-1.03(a) provides detailed discussion of IDOT-specific information for circulating the DEIS. The following describes the processing of the DEIS by FHWA and USEPA:

- The FHWA Division Office submits four signed copies of the DEIS directly to the USEPA, Office of Federal Activities in Washington, D.C. for filing. At least one copy of the entire EIS must be a paper copy; the remaining three (3) copies can be on appropriate electronic storage devices (e.g. compact disc, USB flash drive, or memory cards). For efficiency, FHWA may provide BDE with a copy of the transmittal letter to USEPA so the Department can send the transmittal letter and four copies of the DEIS to USEPA.
- Concurrently, the FHWA Division Office submits the DEIS to FHWA Headquarters and the FHWA legal counsel for information purposes.
- USEPA will publish in the *Federal Register* the Notice of Availability for the DEIS. The Notice will be published on Friday of the week following that in which USEPA received the DEIS. Note that the minimum 45-day time period of availability for comment is calculated based on the date of publication in the *Federal Register*. The maximum number of days for the comment period is 60 days, unless FHWA and participating agencies agree to a longer period.
- If FHWA receives a request from the public for a copy of the DEIS, FHWA will ask the Department to fulfill the request.

Figure 25-2.I identifies the number of copies for circulating the DEIS.

40 CFR 1503 of the *CEQ Regulations* discusses commenting relative to an EIS.

40 CFR 1506.10 establishes minimum time frames for making decisions on the proposed action after publication of the Notice of Availability for the DEIS.

Figure 25-2.J provides a Sample DEIS Availability Notice, for publication in newspapers, etc.

**EIS Process**

Activity Title: Circulate DEIS

Activity No.: 18 (*Continued*)

Responsible Unit: District/BDE/FHWA/USEPA

References:

- 40 CFR 1502.19 "Circulation of EIS"
- 40 CFR 1503.1 "Inviting Comments"
- 40 CFR 1506.9 "Filing EIS with EPA"
- 40 CFR 1506.10 "Timing of Agency Action"
- 23 CFR 771.123(f) "Printing DEIS"
- 23 CFR 771.123(g) "Recipients of DEIS"
- 23 CFR 771.123(h) "Availability of DEIS In Relation To Public Hearing"
- 23 CFR 771.123(i) "Time Period for Comments"
- 23 CFR 771.111(h) "Public Involvement Requirements"
- Section VII. of FHWA Technical Advisory T6640.8A "Distribution of EIS"
- CEQ Q&A, Question 14c "Commenting Responsibility of Cooperating Agencies"
- CEQ Q&A, Question 28 "Filing Xerox Copies with EPA"
- *Collaboration in NEPA – A Handbook for NEPA Practitioners*, Council on Environmental Quality, October 2007
- Section 25-1.03(a) "Draft EIS Circulation"



Document	Entity	No. of Copies <sup>1</sup>	
		Paper	CD
Preliminary DEIS	District to BDE BDE to FHWA	9 6	0 0
Original Signature Pages	District to BDE (with DEIS submittal) BDE to District (after BDE and FHWA signature)	2 1	0 0
DEIS	District to BDE	13	0
	BDE to FHWA Division	10	0
	<b>District to Federal Agencies</b>		
	Environmental Protection Agency, Region V, Office of Environmental Review (Chicago) <sup>2</sup>	2	1
	Advisory Council on Historic Preservation	1	1
	Department of Agriculture	1	1
	Department of Commerce	1	1
	Department of Energy (projects with major energy-related)	1	1
	Department of Health and Human Services	1	1
	Department of Housing and Urban Development, Region V	1	1
	Department of Interior <sup>3</sup>	12	11(1)
	Federal Aviation Administration	1	1
	Federal Railroad Administration (if project will have potential railroad)	1	1
	US Army Corps of Engineers (if 404 permit potentially needed)		
	Chicago District	0	1
	Rock Island District	1	0
	St. Louis District	1	0
	Louisville District	1	1
	Memphis District	1	1
	US Coast Guard (if USCG. permit potentially needed)	1	1
	US Fish and Wildlife Service – Chicago	1	1
	US Fish and Wildlife Service – Rock Island	0	1
	<b>District to State Agencies</b>		
	Bureau of the Budget	1	1
	Department of Agriculture	1	0
	Department of Corrections	1	1
	Department of Natural Resources	1	2
	IDNR, Office of Mines and Minerals	1	1
	IDNR, Office of Water Resources	1	1
	Department of Public Health	1	1
	Division of Aeronautics, IDOT	1	1
	Environmental Protection Agency	1	1
	Historic Preservation Agency	0	1
	Illinois Commerce Commission	1	1
	Illinois Geological Survey	1	1
	Illinois Natural History Survey	1	1
	Illinois State Library (information only)	1	1
	Illinois Water Survey	1	1
	<b>District to Other Entities</b>		
	Local Agencies (list)	(As required)	
	Organizations and Institutions (list)	(As required)	
	Persons (list)	(As required)	

<sup>1</sup> With the exception of Department of Interior (see footnote 3), where numbers are included for both Paper and CD, documents should be provided in both formats, in accordance with the numbers indicated.

<sup>2</sup> District sends copy of transmittal letter to BDE and FHWA Division Office.

<sup>3</sup> For submittals to Department of Interior, either 12 Paper copies or 11 CDs and one paper copy can be provided.

### NUMBER OF COPIES (DEIS Processing)

Figure 25-2.I

**Notice of Availability****Final Environmental Impact  
Statement (FEIS)  
for the proposed  
four-lane improvement  
of Illinois Route 29 from  
Illinois Route 6 to Interstate 180****Peoria, Marshall, Putnam, and Bureau counties**

The Illinois Department of Transportation has  
placed copies of the IL 29 FEIS in the following  
area libraries for public review:

Peoria Public Library  
107 NE Monroe  
Peoria, IL

Chillicothe Public Library  
430 N. Bradley Avenue  
Chillicothe, IL

Lacon Public Library  
205 6th Street  
Lacon, IL

Henry Public Library  
702 Front Street  
Henry, IL

The FEIS can also be reviewed on the IDOT  
website at:

[www.dot.state.il.us/desenv/env.html](http://www.dot.state.il.us/desenv/env.html)

Comments on the FEIS can be mailed to:

[Name], P.E.  
Deputy Director of Highways  
Region Three Engineer  
Illinois Department of Transportation  
401 Main Street  
Peoria, IL 61602

Comments on the document are due by  
[Date]

**SAMPLE DEIS AVAILABILITY NOTICE**

**Figure 25-2.J**

**EIS Process**

Activity Title: Implement Public Hearing Process

Activity No.: 19

Responsible Unit: District

Activity Description:

Public involvement is a critical element of the EIS process. Chapter 19 and the cited references discuss public involvement requirements for public hearings and public information meetings. Figure 25-2.K provides a Sample DEIS Public Hearing Notice.

References:

- 40 CFR 1500.2(d) "Policy Encouraging Public Involvement"
- 40 CFR 1506.6 "Public Involvement Requirements"
- 23 CFR 771.111(h) "Public Involvement Requirements"
- 23 CFR 771.123(h) "Availability of DEIS in Relation to Public Hearing"
- Chapter 19 "Public Involvement Guidelines"
- *Collaboration in NEPA – A Handbook for NEPA Practitioners*, Council on Environmental Quality, October 2007
- *AASHTO Practitioner's Handbook 05 – Utilizing Community Advisory Committees for NEPA Studies*, December 2006

**PUBLIC HEARING  
for  
ILLINOIS ROUTE 29 STUDY**

The Illinois Department of Transportation (IDOT) will hold an open house public hearing to present the preferred alternative and proposed road closures of a proposed four-lane facility from IL Route 6 near Peoria, IL to I-180 in Bureau County.

When?

June 14, 2006  
4:00 pm to 7:00 pm  
June 15, 2006  
4:00 pm to 7:00 pm

Where?

Three Sisters Park Pavilion  
17201 North State Route 29, Chillicothe, IL  
Henry Senachwine High School Gymnasium  
1023 College Street, Henry, IL

IDOT will hold two open-house public hearings to present the proposed action for improving Illinois Route 29. All interested parties are invited to attend and participate in the public hearings. You may attend any time between 4:00 pm and 7:00 pm. **NO FORMAL PRESENTATION WILL BE GIVEN.** IDOT personnel and representatives from their consultant team will be on hand to answer questions and receive comments about the proposed project. A Court Reporter will be available at the hearings to take oral testimony. The public may also submit written comments. All comments received by June 25th will be included in the official hearing record. Property acquisition and relocation assistance information will be available. Exhibits and maps of the proposals developed in the study will be available for review during the entire time as will copies of the Draft Environmental Impact Statement (DEIS).

The DEIS is also available for public review and comment at IDOT's website ([www.dot.state.il.us/desenv/env.html](http://www.dot.state.il.us/desenv/env.html)) and at the libraries listed below. The document discusses the alternatives that were evaluated, including IDOT's preferred alternative, and the project's potential impacts on the natural and man-made environment in the study area. Comments on the DEIS can be sent to [Name of Regional Engineer], P.E. at the address listed at the bottom of this ad any time before June 25, 2006.

Peoria Public Library  
107 NE Monroe  
Peoria, IL

Lacon Public Library  
205 6th Street  
Lacon, IL

Henry Public Library  
702 Front Street  
Henry, IL

Chillicothe Public Library  
430 N. Bradley Avenue  
Chillicothe, IL

The hearing locations are accessible to persons with disabilities. Persons with disabilities needing special accommodations or additional information should contact the person listed below at least 5 days prior to the public hearing.

[Name of District Office Contact], P.E.  
Illinois Department of Transportation  
401 Main Street  
Peoria, Illinois 61602  
Phone: (309) 671-3333, TDD: (309) 671-3450  
Fax: (309) 671-3498

**SAMPLE DEIS PUBLIC HEARING NOTICE**

**Figure 25-2.K**

**EIS Process**

Activity Title: Evaluate and Respond to Substantive Comments

Activity No.: 20

Responsible Unit: District

Activity Description:

The district evaluates all comments on the DEIS and/or Section 4(f) Evaluation, where applicable, and prepares responses to these comments as appropriate. Possible responses include:

- modifying alternatives including the proposed action;
- developing and evaluating alternatives not previously given serious consideration;
- supplementing, improving, or modifying analyses;
- making factual corrections; or
- explaining why the comments do not warrant further agency response, citing the sources, authorities, or reasons supporting that position and, if possible, indicating those circumstances that would trigger reappraisal or further response.

It is neither necessary nor appropriate to respond to all comments by letter. The responses must meet the requirements of 40 CFR 1503.4 which includes, as one example, using the FEIS as the mechanism for the response. For comments that precipitate a major change in the EIS process, the district may need to prepare a Supplement to the DEIS. The district should consult with BDE and FHWA to determine if the comments and resulting changes warrant preparation of a Supplemental DEIS.

Comments that are received after the formal comment period, but before the FEIS is signed by FHWA, shall be appended to the FEIS, where practical. When the comments are received after the FEIS has been submitted to FHWA but before signature, the comments shall be forwarded to FHWA. The transmittal of the comments to FHWA shall include an explanation that the comments were received late, and it shall indicate the response to the comments.

In the implementation of this Activity, it is important for the Department and/or FHWA to resolve any interagency disagreements before the preparation of the FEIS.

References:

- 40 CFR 1503.4 "Response to Comments"
- 23 CFR 771.125(a) "Documentation of Comments and Responses"
- CEQ Q&A, Question 14d "Lead Agency Response to Cooperating Agency's Comments"
- CEQ Q&A, Question 29 "Responses to Comments"
- Section 19-6.04 "Responses to Comments"
- *Collaboration in NEPA – A Handbook for NEPA Practitioners*, Council on Environmental Quality, October 2007
- *AASHTO Practitioner's Handbook 02 – Responding to Comments on an Environmental Impact Statement*, July 2006

**EIS Process**

Activity Title: Conduct Preferred Alternative Coordination

Activity No.: 21

Responsible Unit: District/FHWA/BDE

Activity Description:

The district, in cooperation with FHWA and BDE, provides notice to stakeholders to afford the opportunity for involvement in selection of the preferred alternative for the project. The district, FHWA, and BDE determine the level of involvement case-by-case, taking into account the overall size and complexity of the project. The opportunity for involvement may occur in the form of public workshops or meetings, solicitations of verbal or written input, conference calls, postings on websites, distribution of printed materials or other involvement techniques or media. The objective for the CSS project study group is to achieve consensus acceptance of the preferred alternative by the stakeholders.

For projects subject to the Statewide Implementation Agreement for Concurrent NEPA/404 Processes, the district, FHWA, and BDE accomplish coordination and meetings necessary to obtain concurrence from the signatory agencies on the preferred alternative, in accordance with the terms of the Agreement.

The district, in cooperation with FHWA and BDE, documents the decision on the preferred alternative and the considerations involved in the decision.

References:

- Section 19-3.01(a) "The Stakeholder Involvement Process (SIP) for Use with Context Sensitive Solutions"
- Section 22-4 "Concurrent NEPA/404 Processes"
- *Collaboration in NEPA – A Handbook for NEPA Practitioners*, Council on Environmental Quality, October 2007
- *AASHTO Practitioner's Handbook 05 – Utilizing Community Advisory Committees for NEPA Studies*, December 2006

**EIS Process**

Activity Title: Evaluate for Major Project Requirements

Activity No.: 22

Responsible Unit: District/FHWA/BDE

Activity Description:

After the decision on the preferred alternative, the district, in cooperation with FHWA and BDE, determines if the total estimated project cost is greater than \$500 million, which will make the project subject to the Major Project requirements.

If the total estimated project cost is not greater than \$500 million, and FHWA does not otherwise designate the action as a Major Project, the district documents that the project is not subject to the Major Project requirements and proceeds to the next activity.

If the total estimated project cost is greater than \$500 million, or if FHWA otherwise designates the action as a Major Project, the district determines if the project can be divided into operationally independent phases of work. If it cannot, the district documents that determination and proceeds to the next activity. If the project can be divided into operationally independent phases of work, the district prepares documentation of the basis for that determination and submits it to BDE for coordination with FHWA for approval.

If any of the operationally independent phases of work have a total estimated cost greater than \$500 million, the district coordinates with BDE and FHWA to schedule and complete an independent cost estimate review.

References:

- Chapter 20 "Requirements for Major Projects"
- FHWA *Major Projects Guidance*, January 19, 2007
- FHWA *Major Project Program Cost Estimating Guidance*, January 2007

**EIS Process**

Activity Title: Prepare/Review Preliminary FEIS

Activity No.: 23

Responsible Unit: District

Activity Description:

Before the final preparation and distribution of the FEIS, a preliminary version of the FEIS must be reviewed by the Department and FHWA to evaluate its adequacy for distribution. The preliminary FEIS should summarize any operationally independent phases of work identified and the results of a cost estimate review, if these activities were required. The following process applies to the review of the preliminary FEIS:

- The district submits the preliminary FEIS to BDE.
- BDE reviews and evaluates the preliminary FEIS and notifies the district of any required revisions, if necessary, before forwarding the preliminary FEIS to FHWA.
- After the district has incorporated any necessary changes, the preliminary FEIS is submitted to the FHWA Division Office through BDE for review and evaluation.
- After BDE and the FHWA Division Office are satisfied with the preliminary FEIS, FHWA conducts a legal sufficiency review.
- FHWA comments on the preliminary FEIS are transmitted to the district through BDE.
- The district prepares a disposition of all comments received from FHWA and BDE. The disposition will be included with subsequent submittals of the FEIS.

References:

- 40 CFR 1502.9(b) "Documentation of Response to Comments in FEIS"
- 23 CFR 771.125 "Preparation of FEIS"
- "23 CFR 774.7 Section 4(f) "Documentation," Legal Sufficiency"
- Section VI of FHWA Technical Advisory T6640.8A "Options for Preparing FEIS"
- Section 22-4 "Concurrent NEPA/404 Processes"
- Section 26-2 "Section 4(f) Evaluations"
- *Synthesis of Data Needs for EA and EIS Documentation – A Blueprint for NEPA Document Content*, prepared at the request of AASHTO, January 2005
- *Improving the Quality of Environmental Documents*, Joint AASHTO/ACEC Committee in Cooperation with FHWA, May 2006



**EIS Process**

Activity Title: Prepare/Process FEIS for Approval

Activity No.: 24

Responsible Unit: District/BDE/FHWA

Activity Description:

The district incorporates changes in the FEIS as necessary to respond to comments on the preliminary FEIS. The following process applies for obtaining approval of the FEIS:

- The district submits the FEIS to BDE and includes the disposition of BDE and FHWA comments on the preliminary FEIS. With the FEIS, the district also submits a transcript of each public hearing held and a certification that a required hearing or hearing opportunity was offered. With the hearing transcript(s), the district provides copies of all written statements from the public, both submitted at the public hearing(s) or during an announced period after the hearing(s). The Engineer of Design and Environment signs the FEIS cover sheet for the Department. BDE forwards the FEIS to the FHWA Division Office along with copies of the disposition of BDE and FHWA comments and the public hearing information.
- For projects in the categories described in 23 CFR 771.125(c), the FHWA Division Office coordinates the FEIS with FHWA Headquarters for prior concurrence. Once FHWA Headquarters gives its concurrence on the FEIS, the Division Office may sign the FEIS.
- The FHWA Division Office signs the FEIS.

References:

- 23 CFR 771.113(a)(2) "FHWA Receipt of Certifications and Required Public Hearing Transcripts"
- 23 CFR 771.125(c) "FHWA Approval of FEIS"
- 23 CFR 771.125(e) "FEIS Approval Not An 'Administration Action' "
- 23 CFR 774.9 "Section 4(f) Approval "Timing""
- Section VIII of FHWA Technical Advisory T6640.8A "Format and Content of ROD"
- CEQ Q&A, Question 6 "Environmentally Preferable Alternative"
- CEQ Q&A, Question 34b "Use of FEIS Summary as ROD"
- CEQ Q&A, Question 34c "ROD and Mitigation/Monitoring"
- Section 26-2 "Section 4(f) Evaluations"

**EIS Process**

Activity Title: Circulate FEIS

Activity No.: 25

Responsible Unit: District/BDE/FHWA/USEPA

Activity Description:

The district has the primary responsibility for circulating the FEIS which must be distributed to any entity that made substantive comments on the DEIS or requested a copy of the FEIS. Section 25-1.03(b) provides detailed discussion of IDOT-specific information for circulating the FEIS. The following describes the processing of the FEIS by FHWA and USEPA:

- The FHWA Division Office submits four signed copies of the FEIS directly to the USEPA, Office of Federal Activities in Washington, D.C. for filing. At least one copy of the entire FEIS must be a paper copy; the remaining three (3) copies can be on appropriate electronic storage devices (e.g. compact disc, USB flash drive, or memory cards). For efficiency, FHWA may provide BDE with a copy of the transmittal letter to USEPA so the Department can send the transmittal letter and four copies of the FEIS to USEPA.
- USEPA will publish in the *Federal Register* the Notice of Availability for the FEIS. The publication date will be on Friday of the week following that in which USEPA received the FEIS. The date of publication in the *Federal Register* establishes the beginning of the 30-day time period that must elapse before FHWA can sign the ROD. Also, FHWA may not sign the ROD within 90 days of the date of publication of the Notice of Availability for the DEIS.
- If FHWA receives a request from the public for a copy of the FEIS, they will ask the Department to fulfill the request.

Figure 25-2.L identifies the number of copies for circulating the FEIS.

References:

- 40 CFR 1502.19 "Circulation of EIS"
- 40 CFR 1506.9 "Filing EIS with EPA"
- 40 CFR 1506.10 "Timing of Agency Action"
- 23 CFR 771.125(f) "Printing FEIS"
- 23 CFR 771.125(g) "Circulation of FEIS"
- Paragraph VII. A. of FHWA Technical Advisory T6640.8A "Distribution of EIS"
- Section 25-1.03(b) "FEIS Circulation"

Document	Entity	No. of Copies <sup>1</sup>	
		Paper	CD
Preliminary FEIS	District to BDE	7	0
	BDE to FHWA Division	4	0
Original Signature Pages	District to BDE (with FEIS submittal)	3	0
	BDE to FHWA Division	2	0
	BDE to District (after BDE and FHWA signature)	1	0
FEIS	District to BDE (prior to FHWA approval)	6 <sup>2</sup>	0
	BDE to FHWA Division (prior to FHWA approval)	4 <sup>2</sup>	0
	District to FHWA Division (copies of approved FEIS)	10	0
	<b>District to Federal Agencies</b>		
	Environmental Protection Agency, Region V, Office of Environmental Review (Chicago) <sup>3</sup>	2	1
	Advisory Council on Historic Preservation <sup>3</sup>	1	1
	Department of Agriculture	1	1
	Department of Commerce <sup>4</sup>	1	1
	Department of Energy <sup>4</sup>	1	1
	Department of Health and Human Services <sup>4</sup>	1	1
	Department of Housing and Urban Development, Region V	1	1
	Department of Interior <sup>5</sup>	6	5(1)
	Federal Aviation Administration <sup>4</sup>	1	1
	Federal Railroad Administration <sup>4</sup>	1	1
	US Army Corps of Engineers (if 404 permit needed)		
	Chicago District	0	1
	Rock Island District	0	1
	St. Louis District	1	0
	Louisville District	1	1
	Memphis District	1	1
	US Coast Guard (if USCG. permit needed)	2	2
	US Fish and Wildlife Service - Chicago	1	1
	US Fish and Wildlife Service – Rock Island	1	1
	<b>District to State Agencies</b>		
	Bureau of the Budget <sup>4</sup>	1	1
	Department of Agriculture <sup>4</sup>	0	1
	Department of Corrections <sup>4</sup>	1	1
	Department of Natural Resources	1	2
	IDNR, Office of Mines and Minerals	1	1
	IDNR, Office of Water Resources	1	1
	Department of Public Health <sup>4</sup>	1	1
	Division of Aeronautics, IDOT <sup>4</sup>	1	1
	Environmental Protection Agency	1	1
	Historic Preservation Agency <sup>4</sup>	0	1
	Illinois Commerce Commission <sup>4</sup>	1	1
	Illinois Geological Survey	1	1
	Illinois Natural History Survey	1	1
	Illinois State Library (information only)	1	1
	Illinois Water Survey	1	1

**NUMBER OF COPIES  
(FEIS Processing)**

**Figure 25-2.L**

Document	Entity	No. of Copies <sup>1</sup> Paper    CD
FEIS	<b>District to Other Entities</b>	(As required) (As required) (As required)
	Local Agencies (list) <sup>3</sup> Organizations and Institutions (list) <sup>3</sup> Persons (list) <sup>3</sup>	

- 1 With the exception of the Department of Interior (see footnote 5), where numbers are included for both Paper and CD, documents should be provided in both formats, in accordance with the numbers indicated.
- 2 FHWA will determine number needed if the project requires prior concurrence from FHWA-HQ.
- 3 District sends copy of transmittal letter to BDE and FHWA Division Office.
- 4 Receives copy if substantive comments submitted on draft.
- 5 For submittals to Department of Interior, either 6 paper copies, or 5 CDs and one paper copy, can be provided.

**NUMBER OF COPIES  
(FEIS Processing)**

**Figure 25-2.L  
(Continued)**

**EIS Process**

Activity Title: Evaluate and Respond to Substantive Comments

Activity No.: 26

Responsible Unit: District

Activity Description:

The district evaluates all comments on the FEIS and prepares a draft Record of Decision (ROD). The district identifies and responds in the draft ROD to those comments that are substantive. The district summarizes and responds to other comments as appropriate.

The district submits the draft ROD to BDE and BDE forwards it in an editable format (e.g., Word) to the FHWA Division Office. FHWA may sign or revise the ROD submitted by BDE.

References:

- Paragraph VIII.F. of FHWA Technical Advisory T6640.8A "Comments on Final EIS"
- *Collaboration in NEPA – A Handbook for NEPA Practitioners*, Council on Environmental Quality, October 2007
- *AASHTO Practitioner's Handbook 02 – Responding to Comments on an Environmental Impact Statement*, July 2006

**EIS Process**

Activity Title: Draft Project Management Plan for Major Projects

Activity No.: 27

Responsible Unit: District/FHWA/BDE

Activity Description:

For projects subject to the Major Project requirements the district prepares a draft Project Management Plan in accordance with the guidance in Section 20-1, addressing the following topics, at a minimum:

- Project Description and Scope of Work;
- Goals and Objectives;
- Project Organizational Chart, Roles, and Responsibilities;
- Project Phases;
- Procurement and Contract Management;
- Cost, Budget and Schedule;
- Project Reporting and Tracking;
- Internal and Stakeholder Communications;
- Project Management Controls;
- Design Quality Assurance/Quality Control;
- Construction Quality Assurance/Quality Control;
- Environmental Monitoring;
- Right-of-Way;
- Safety and Security;
- Traffic Management;
- Project Communications (Media and Public Information);
- Civil Rights Program;
- Closeout Plan;
- Project Documentation; and
- Appendices.

The district coordinates the draft Project Management Plan with BDE for submittal to FHWA prior to approval of the Record of Decision. FHWA reviews the draft Project Management Plan and provides comments.

References:

- Chapter 20 "Requirements for Major Projects"
- FHWA *Project Management Plan Guidance*, February 2007
- FHWA *Project Management Plan Guidance Questions*
- FHWA *Major Project Guidance*, January 17, 2007

**EIS Process**

Activity Title: Sign Record of Decision

Activity No.: 28

Responsible Unit: FHWA

Activity Description:

After all comments on the FEIS are satisfactorily resolved, the ROD will be processed and approved as follows:

- The FHWA Division Administrator may sign the ROD no sooner than 30 days after the *Federal Register* public availability notice for the FEIS, or 90 days after such notice for the DEIS, whichever is later.
- A ROD that has been signed by FHWA should (1) be posted on the IDOT website to make it available publicly; (2) be included with copies of the EIS that are used as a reference for further development and implementation of the project by Department units; (3) be included in the project files; and (4) otherwise be made available to those Department units involved in subsequent project development and implementation.

References:

40 CFR 1505.2 "ROD for EIS"  
23 CFR 771.127 "Record of Decision Process"  
23 CFR 771.129 "Re-evaluations"  
23 CFR 774.9 "Section 4(f) Approval "Timing""  
CEQ Q&A, Question 33b "Referral After ROD"  
CEQ Q&A, Question 34a "Public Availability of ROD"  
Section 22-3.15 "Ensuring Validity of Environmental and Design Documents"

**EIS Process**

Activity Title: Finalize Project Management Plan for Major Projects

Activity No.: 29

Responsible Unit: District/FHWA/BDE

Activity Description:

For projects subject to the Major Project requirements, the district revises the draft Project Management Plan to respond to FHWA comments. The district coordinates the final Project Management Plan with BDE for submittal to FHWA within 90 days of the date the ROD is signed.

References:

- Chapter 20 "Requirements for Major Projects"
- FHWA *Project Management Plan Guidance*, February 2007
- FHWA *Project Management Plan Guidance Questions*
- FHWA *Major Project Guidance*, January 17, 2007



**EIS Process**

Activity Title: Publish Statute of Limitations Notice

Activity No.: 30

Responsible Unit: FHWA

Activity Description:

23 USC 139 establishes a 180-day statute of limitations on claims against US Department of Transportation and other Federal agencies for certain environmental and other approval actions. The statute of limitations provision is intended to expedite the resolution of issues affecting transportation projects.

IDOT prepares a draft statute of limitations notice (see Figure 25-2.M for a sample notice) and submits it to FHWA for publication in the *Federal Register*. The notice is provided at the same time the draft ROD is submitted to FHWA. BDE may provide the district a sample notice as an electronic document for use on specific projects.

The FHWA *SAFETEA-LU Environmental Review Process Final Guidance* indicates "FHWA anticipates that it will publish notices for most EIS projects... ."

References:

- 23 USC 139 "Efficient Environmental Reviews for Project Decision-making"
- FHWA *SAFETEA-LU Environmental Review Process Final Guidance*, Section 3 "Statute of Limitations"
- *AASHTO Practitioner's Handbook 09 – Using the SAFETEA-LU Environmental Review Process (23 USC 139)*, January 2008

4910-22

## DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Action on Proposed Highway in Illinois

AGENCY: Federal Highway Administration (FHWA), DOT

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other Federal agencies

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to the proposed Illinois Route 29 (IL 29) highway project, for construction of an access-controlled, four-lane freeway on new right-of-way between the existing IL 6 interchange near Mossville and the proposed Chillicothe interchange north of Chillicothe in Peoria County, and the widening of IL 29 to four-lanes, largely on existing right-of-way, from north of Chillicothe to Interstate 180 (I-180) in Peoria, Marshall, Putnam, and Bureau Counties, Illinois. Those actions grant licenses, permits and approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions of the highway project will be barred unless the claim is filed on or before *[insert date 180 days after publication in the Federal Register]*. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: *[Name]*, P.E., Division Administrator, Federal Highway Administration, 3250 Executive Park Drive, Springfield, Illinois 62703, Phone: (217) 492-4600, E-mail address: *[First\_Name.Last\_Name]*@ dot.gov. The FHWA Illinois Division Office's normal business hours are 7:30 a.m. to 4:15 p.m. You may also contact *[Name of Regional Engineer]*, P.E., Illinois Department of Transportation, Deputy Director of Highways, Region Three Engineer, 401 Main Street, Peoria, Illinois 61602, Phone: (309) 671-3333. The Illinois Department of Transportation Region Three's normal business hours are 8:00 a.m. to 4:30 p.m.

## SAMPLE STATUE OF LIMITATIONS NOTICE

Figure 25-2.M

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing licenses, permits and approvals for the following highway project in the State of Illinois: construction of an approximately 10-mile, access-controlled, four-lane freeway on new right-of-way between the existing IL 6 interchange near Mossville and the proposed Chillicothe interchange north of Chillicothe, and the approximately 25-mile widening to a four-lane expressway of IL 29, largely on existing right-of-way, from north of Chillicothe to I-180. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project approved on April 23, 2009; and the Record of Decision (ROD) issued on January 19, 2010; and other documents in the FHWA administrative record. The FEIS, ROD and other documents in the FHWA administrative record are available by contacting FHWA or the Illinois Department of Transportation at the addresses above. Project information can be viewed and downloaded from the project website <http://www.dot.il.gov/il29/default.aspx>. The FEIS can also be downloaded from <http://www.dot.il.gov/desenv/env.html>, or hard copies of the FEIS and the ROD are available upon request.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351] Federal-Aid Highway Act [23 U.S.C. 109].
2. Air: Clean Air Act [42 U.S.C. 7401-7671(q)].
3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].
4. Wildlife: Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536]; Migratory Bird Treaty Act [16 U.S.C. 703-712].
5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) et seq.]; Archaeological and Historic Preservation Act (AHPA) [16 U.S.C. 469-469(c)].
6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].
7. Wetlands and Water Resources: Clean Water Act (Section 401 and 404) [33 U.S.C. 1251-1377]; Wild and Scenic Rivers Act [16 U.S.C. 1271-1287].

#### **SAMPLE STATUE OF LIMITATIONS NOTICE**

**Figure 25-2.M**  
(Continued)

8. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program).

Authority: 23 U.S.C. §139(l)(1)

Issued on: January 26, 2010

\_\_\_\_\_  
[Name], P.E.  
Division Administrator  
Springfield, Illinois

**SAMPLE STATUE OF LIMITATIONS NOTICE**

**Figure 25-2.M**  
(Continued)

**EIS Process**

Activity Title: Implement Mitigation Measures

Activity No.: 31

Responsible Unit: District/BDE/FHWA

Activity Description:

Those involved in preparing and processing the EIS should assist those involved in subsequent aspects of project development and implementation in facilitating the fulfillment of commitments made as a part of the NEPA process. In accordance with Departmental Policy D&E-19, each district must ensure that its procedures for follow-through on commitments provide for including information on mitigation measures and other commitments (e.g., Wetlands Compensation Plan, Erosion Control Plan, Special Provisions for management and monitoring of special wastes) in the project plans, as necessary, and for implementing and monitoring the measures during construction and maintenance, as appropriate.

References:

- 40 CFR 1505.3 "Implementing Mitigation"
- 23 CFR 771.109 (b) "Responsibility for Implementing Mitigation"
- CEQ Q&A, Question 34d "Enforceability of ROD"
- *AASHTO Practitioner's Handbook 04 – Tracking Compliance with Environmental Commitments/Use of Environmental Monitors*, November 2006
- Departmental Policy D&E-19 "Follow-Through on Project Commitments"



## 25-3 FORMAT AND CONTENT OF EIS

### 25-3.01 Objectives

References: 40 CFR 1502.1 "Purpose of EIS"  
40 CFR 1502.8 "Clarity of Writing"  
Section 22-2 "Environmental Documentation"  
*Improving the Quality of Environmental Documents*, Joint AASHTO/ACEC  
Committee in Cooperation with FHWA, May 2006

The content of Environmental Impact Statements (EISs) should meet the following objectives:

- to provide three levels of detail:
  - + the Summary to provide sufficient information for those who are interested only in the major features of the project;
  - + the main text to provide additional information, especially for those with special interests or expertise; and
  - + data and technical reports (incorporated by reference or, in some cases, included in an Appendix) to allow those with a need for technical and scientific information to determine the basis for general statements in the text;
- to reduce duplication within the report (e.g., the affected environment should be described only once);
- to reduce or eliminate the need to rewrite portions of the report. As appropriate, the format allows the draft report to serve as the final report with revisions in:
  - + the "Summary";
  - + the "Alternatives" Section;
  - + the "Environmental Resources, Impacts and Mitigation" Section; and
  - + the "Comments and Coordination" Section; and
- to provide a logical flow of information for decision-makers and the public.

### 25-3.02 General

References: 40 CFR 1500.4 "Reducing Paperwork"  
40 CFR 1502.2 "Preparation of EISs"  
40 CFR 1502.5 "Timing"  
40 CFR 1502.6 "Interdisciplinary Preparation"  
40 CFR 1502.7 "Page Limits"  
40 CFR 1502.8 "Writing"  
40 CFR 1502.9 "Draft, Final, and Supplemental Statements"  
CEQ Q&A, Question 21 "Combining EIS with Other Planning Documents"

*Improving the Quality of Environmental Documents, Joint AASHTO/ACEC  
Committee in Cooperation with FHWA, May 2006*

In addition to the cited references, the following general comments apply to the format and content of an EIS:

1. Length. The text of a draft or final Environmental Impact Statement normally will be less than 150 pages for most projects and less than 300 pages for projects of unusual scope or complexity (see 40 CFR 1502.7). This length refers to the following sections:
  - Purpose and Need,
  - Alternatives, and
  - Environmental Resources, Impacts and Mitigation.
2. “Reader-Friendly” Concepts. The EIS preparer(s) should convey the required information in a form easily understood by those expected to comment on the draft statement. The EIS should stress the substance of the information conveyed rather than the length or detail of the statement. Keep the document as brief as possible, using clear, concise writing in an easy to follow format with effective graphics, including photos or other visual elements along with maps, charts, and tables. Use inset text boxes to highlight key concepts or regulations.

Tell the story of the project in a way that the reader can easily understand the project purpose and need. Describe how each alternative will or will not meet the project goals. Consider the use of section headings phrased as questions to help make the document more reader-friendly (e.g., Why is this project needed?). Ensure that the document meets all legal requirements in a way that is easy to follow for regulators and technical reviewers.
3. Coordination with Environmental Studies. The statement should briefly summarize and reference in the text any underlying studies, reports, and other information considered in preparing the document. Referenced reports should be those readily available to commenting entities upon request or, at a minimum, available for review and copying at a convenient location. If supporting documents are appended to the statement, ensure that the document is self-contained and does not require undue cross-referencing. The level of summarization should be commensurate with the scale of the proposed action and the impact(s).
4. Paper Size. The statement will be printed on paper approximately 8 ½ inches x 11 inches (216 mm x 279 mm), and the maps, drawings, illustrations, etc., should be folded to the same size. Sheets wider than 8 ½ inches (216 mm) should be folded to open to the right with identification placed at the right edge.
5. Type Size/Font. The EIS text should be prepared using an 11-point or 12-point type size in a serif font such as Times New Roman.



### **25-3.03 Table of Contents**

References: 40 CFR 1502.10 “Recommended Format”  
Paragraph V.C. of FHWA Technical Advisory T6640.8A “Table of Contents”

The Table of Contents for an EIS will typically include:

- Cover Sheet;
- Summary;
- Table of Contents;
- Purpose and Need;
- Alternatives;
- Environmental Resources, Impacts, and Mitigation;
- List of Preparers;
- List of Agencies, Organizations, and Persons to Whom Copies of the Statement are Sent;
- Comments and Coordination;
- Section 4(f) Statement (if applicable);
- Index; and
- Appendices (if any).

The Table of Contents should also provide the page numbers for each section. Maps, charts, tables, each appendix, etc., should have a separate listing.

The following discussion in Section 25-3 presents IDOT-specific information to supplement the guidance in the *CEQ Regulations* and FHWA Technical Advisory T6640.8A, which are duplicated in Appendix A. Structure the discussion based on the above Table of Contents.

### **25-3.04 Cover Sheet**

References: 40 CFR 1502.11 “Cover Sheet”  
Paragraph V.A. of FHWA Technical Advisory T6640.8A “Cover Sheet”

Figure 25-3.A presents the Cover Sheet for an EIS. It has been adapted from the Cover Sheet in FHWA Technical Advisory T6640.8A to provide information specific to Illinois. The Engineer of Design and Environment signs the Cover Sheet for the Department (see Section 25-2, Activities 15 and 21).

### **25-3.05 Summary**

References: 40 CFR 1502.12 “Summary”  
Paragraph V.B. of FHWA Technical Advisory T6640.8A “Summary”

*[Route, Termini, City or County, and State]*

DRAFT (FINAL) (SUPPLEMENT)  
ENVIRONMENTAL IMPACT STATEMENT

Submitted Pursuant to 42 USC 4332 (2)(c)  
(and where applicable, 49 USC 303) by the

U. S. Department of Transportation  
Federal Highway Administration

and

Illinois Department of Transportation  
and  
*[As applicable, any other joint lead agency]*

Cooperating Agencies  
*[Include List Here, as applicable]*

---

Date of Approval

---

For IDOT

---

Date of Approval

---

For FHWA

The following persons may be contacted for additional information concerning this document:

*[Name]*  
Division Administrator  
Federal Highway Administration  
3250 Executive Park Drive  
Springfield, Illinois 62703  
Telephone: 217-492-4640

*[Name, office address, and phone number  
of IDOT Regional Engineer]*

*[A one-paragraph abstract of the statement.]*

Comments on this document are due by *[Date]* and should be sent to *[Name and office address of IDOT Regional Engineer]*.\*

\* *To be used on the draft EIS only.*

**EIS COVER SHEET**

**Figure 25-3.A**

The Summary is a digest of the main text of the EIS for the:

- Purpose and Need;
- Alternatives; and
- Environmental Resources, Impacts, and Mitigation.

#### **25-3.06 Purpose and Need**

References: 40 CFR 1502.13 "Purpose and Need"  
Paragraph V.D. of FHWA Technical Advisory T6640.8A "Purpose of and Need for Action"  
Section 22-6.01 "Purpose and Need (FHWA Paper) "

This section is the foundation of the EIS. It introduces the reader to the project and why it is important and provides the basis for the range of alternatives being evaluated for the project. The cited references provide guidance for preparing this part of the EIS.

#### **25-3.07 Alternatives**

References: 40 CFR 1502.14 "Objectives of Alternatives Discussion"  
23 CFR 771.123(c) "Evaluation of Alternatives in DEIS"  
23 CFR 771.125(a)(1) "Preferred Alternative in FEIS"  
Paragraph V.E. of FHWA Technical Advisory T6640.8A "Alternatives"  
CEQ Q&A, Questions 1, 3, 4, and 5 "Identification and Evaluation of Alternatives"  
CEQ Q&A, Question 7 "Relationship Between Alternatives and Environmental Consequences Sections"  
Section 22-6.04 "Congestion Management System Alternatives"

In addition to the information in the cited references, the following guidance applies to this part of the EIS.

This section should:

- identify the preliminary alternatives developed for the project;
- explain the methods used for screening alternatives;
- summarize the results of screening processes, including the reasons for eliminating any alternatives from consideration;
- identify and discuss avoidance alternatives for potential effects on wetlands, floodplains, and Section 4(f) resources;
- describe each of the alternatives carried forward for detailed study, including the "no action" alternative; and

- explain how the “build” alternatives carried forward achieve the project’s purpose and need.

Each reasonable alternative should be presented at a comparable level of detail and referenced to an exhibit. The principal features of each alternative (e.g., major design aspects such as access control, pavement/shoulder width, interchanges) should be identified. The discussion should provide only the level of detail necessary for understanding the relationship between the “Purpose and Need” for the project and the proposed alternatives.

Any alternative that was studied and eliminated from further consideration should be described in a brief paragraph, including the reason(s) it is no longer being considered. Supporting information should be quantified as practical so that reviewers can understand the basis for its elimination.

### **25-3.08 Environmental Resources, Impacts, and Mitigation**

References: 40 CFR 1502.15 “Objectives of Affected Environment Discussion”  
40 CFR 1502.16 “Objectives of Environmental Consequences Discussion”  
40 CFR 1508.8 “Direct and Indirect Effects”  
Paragraph V.F. of FHWA Technical Advisory T6640.8A “Affected Environment”  
Paragraph V.G. of FHWA Technical Advisory T6640.8A “Environmental Consequences”  
CEQ Q&A, Question 7 “Relationship Between Alternatives and Environmental Consequences Sections”  
CEQ Q&A, Question 18 “Indirect Effects”  
Section 22-6.02 “Indirect and Cumulative Environmental Impacts”  
Chapter 26 “Special Environmental Analyses”  
Chapter 27 “Environmental Surveys”

Figure 25-3.B presents the recommended format for preparing the Section on Environmental Resources, Impacts, and Mitigation.

The following standard subsections are suggested for use in addressing the specific impacts of the proposed action:

- General Impacts and Mitigation Measures;
- Social/Economic;
- Agricultural;
- Cultural;
- Air Quality;
- Noise;
- Energy,
- Natural Resources, Water Resources, and Aquatic Habitats;
- Groundwater;
- Floodplains;

- A. General Impacts and Mitigation Measures (applicable to all alternatives)
- B. Social/Economic
  - 1. Alternative 1
  - 2. Alternative 2
  - 3. Alternative 3, etc.
- C. Agricultural
  - 1. Alternative 1, etc.
- D. Cultural, etc.
  - .
  - .
  - .
- X. Impact/Alternative Summary Table
- Y. Summary of Mitigation Measures
- Z. Commitment Monitoring Program for Preferred Alternative (Final EIS only)

**SUGGESTED FORMAT FOR THE “ENVIRONMENTAL RESOURCES, IMPACTS, AND  
MITIGATION” SECTION OF AN ENVIRONMENTAL IMPACT STATEMENT**

**Figure 25-3.B**

- Wetlands;
- Special Waste;
- Special Lands;
- Permits/Certifications; and
- Other Issues:
  - + Visual,
  - + Construction,
  - + Short-term Uses vs. Long-Term Productivity, and
  - + Irreversible/Irretrievable Commitment of Resources.

This Section discusses the specific environmental resource issues that should be addressed in the Environmental Resources, Impacts, and Mitigation Section of the EIS. The discussion contains suggestions for items that should be addressed under the subsection headings. These factors should be considered for each reasonable alternative where a potential for impact to environmental resources exists. The suggestions below are neither comprehensive nor applicable in all cases; they are offered as a guide. When a project involves an issue or resource not addressed in the subsections below, contact BDE for guidance, as necessary. All analyses and discussions concerning these factors should be supported by appropriate environmental studies. Charts, tables, maps, and other graphics should be used, where practical, to summarize and condense information. See Section 24-3.07 for specific examples of the use of charts, tables, etc.

#### **25-3.08(a) General Impacts and Mitigation Measures**

References: 40 CFR 1508.20 "Definition of Mitigation"  
CEQ Q&A, Question 19 "Discussion on Mitigation Measures"

Where appropriate, a subsection should be included which discusses the general impacts and mitigation measures that are identified for the various alternatives under consideration. Charts, tables, maps, and other graphics illustrating comparisons between the alternatives (e.g., costs, residential displacements, noise impacts) should be considered for condensing and summarizing information.

#### **25-3.08(b) Indirect and Cumulative Impacts**

References: 40 CFR 1508.8 "Direct and Indirect Effects"  
CEQ Q&A, Question 18 "Indirect Effects"  
Section 22-6.02 "Indirect and Cumulative Environmental Impacts"  
FHWA Interim Guidance: Indirect and Cumulative Impacts in NEPA, 2003

Discuss reasonably foreseeable indirect and cumulative impacts for each environmental resource area, as applicable. This includes effects that would be caused by the project action later in time or further removed in distance but that would still be reasonably foreseeable. Reasonably foreseeable effects are those associated with actions that have applied for permits, zoning, or other public approvals or that have been discussed in the media. Highways may

stimulate or induce other actions, such as more rapid land development or changed patterns of social activities. Impacts associated with secondary actions, through their impacts on existing community facilities and activities or through changes in natural conditions, may be more substantial than the direct impacts associated with the highway construction.

### **25-3.08(c) Social/Economic**

References: *IDOT Community Impact Assessment Manual*  
Paragraph V.G.1. of FHWA Technical Advisory T6640.8A "Land Use Impacts"  
Paragraph V.G.3. of FHWA Technical Advisory T6640.8A "Social Impacts"  
Paragraph V.G.4. of FHWA Technical Advisory T6640.8A "Relocation Impacts"  
Paragraph V.G.5. of FHWA Technical Advisory T6640.8A "Economic Impacts"  
CEQ Q&A, Question 23 "Conflicts Between Proposed Action & Land Use Plans"

The EIS should discuss the following:

1. Population. Identify the general population served and/or affected (city, county, etc.) by the proposed action. Demographic data should be obtained from the most recent US census. Available secondary sources may include metropolitan planning organization data. Demographic information should include population, race, and family income.
2. Economic. Provide data on pertinent economic factors, such as employment, major businesses, residential and business relocations, parking losses, and any other factors that may affect the area's economic profile. If a substantial amount of new right-of-way will be required, a property tax loss analysis should be included in the EIS. See *IDOT Community Impact Assessment Manual*, 2007.
3. Neighborhoods. Provide a general description of the surrounding neighborhoods, including ethnic composition, population distribution, growth characteristics, and other socio-economic characteristics.
4. Public Facilities/Services. Identify potentially affected public facilities and services, including churches, temples or mosques, hospitals or other medical facilities, educational facilities, police and fire protection, and other emergency services.
5. Local Planning. Describe the scope and status of the planning processes for the local jurisdictions and the project area. Maps of any adopted land use and transportation plans for these jurisdictions and the project area would be helpful in relating the proposed project to the planning procedures.

Social/economic impacts should be analyzed and discussed in accordance with the procedures in the on-line *IDOT Community Impact Assessment Manual* (2007), and the FHWA *Community Impact Assessment* handbook (1996). Where there are foreseeable social/economic impacts, the DEIS should discuss (in addition to those factors in the Technical Advisory) the following for each alternative, commensurate with the level of impacts:

1. Community Changes. The discussion should:

- describe the potential effects of the project or plan on community life in the project vicinity, incorporating neighborhood concerns, cultural identification, life styles, and community bonds;
- indicate the outcome of public involvement with regard to controversial community impact issues; and
- consider the effects on residents which will not be displaced but will be left in proximity to the project facility.

2. Environmental Justice. The project must be in accordance with Executive Order 12898 and the final US DOT Order on Environmental Justice and the EIS should include:

- a statement as to whether there are low-income\* or minority groups within the project area;
- an indication of whether low-income or minority groups will be affected by the action and whether the impacts to these groups will be “disproportionately high and adverse”\*\*; and
- a discussion of potential mitigation, if appropriate.

\* “Low-income” status should be determined by referring to the Department of Health and Human services poverty guidelines, which are published annually in the Federal Register.

\*\* “Disproportionately high and adverse” impacts are those that make some individuals or groups better off at the expense of minorities or low-income residents or communities. It has also been defined as an inequity resulting from a proposed action on a group protected under the Civil Rights Act of 1964. If disproportionately high impacts are expected, it is necessary to demonstrate that the project will fulfill a substantial need and that measures to avoid or reduce the adverse impact are not practicable or would have other high adverse social, economic, or environmental impacts that are more severe or include costs of extraordinary magnitude. Offsetting mitigation and enhancement measures (including those developed during the public participation process) or any offsetting benefits that will accrue to the minority or low-income populations will be considered in any case of disproportionately high and adverse impacts.

3. Other Groups. In addition to those identified in the Technical Advisory, the following are examples of other groups that may require special consideration (e.g., with respect to travel patterns and access to jobs, schools, churches, parks, hospitals, shopping, and community services):



- school-age children,
- pedestrians, and
- bicyclists.

4. Public Services/Facilities. Indicate how project-induced effects will have a beneficial or adverse impact on public services and facilities.

5. Relocates.

a. Residential Relocations.

Describe the number and type of residential displacements (e.g., single-family homes, multi-unit apartments, mobile homes). This information must be described in the text of the document and may be presented in table form for each alignment under consideration. State whether the property is owner-occupied or rented and if the residences are within a neighborhood that appears to be low-income or minority. This section of the document should also include the following:

- a statement that the provisions of the *Uniform Relocation Assistance and Real Property Acquisition Policies Act* and the *IDOT Land Acquisition Procedures Manual* will be followed;
- a commitment to provide housing of last resort, if necessary; and
- a statement that housing resources are available to all relocatees without discrimination.

Provide information regarding the potential for relocation of displaced residents within the project area or larger community. Describe the available locations and the distance from the areas of displacements.

b. Business Relocations.

Provide an estimate of the number and a description of the type of businesses to be displaced. Include a characterization of the business type (e.g., retail, other commercial, wholesale, industrial). Use the name of the business, if possible, and document the estimated number of employees. Also, identify and discuss:

- sites available in the area suitable for business relocation;
- the likelihood of such relocation;
- whether any of the displaced businesses provide a specialized service that would no longer be available to the community (i.e., a “one-of-a-kind” type of business or service); and
- the potential impact to the community if the business is not able to relocate nearby.

6. Businesses to Remain. Describe the effects of the proposed action on businesses that will not be displaced, but will experience impacts due to the project. These types of impacts are usually the result of the loss of parking spaces or a change in access. Impacts also may result from a proposed bypass or other changes in travel patterns that may affect the patronage of various businesses, especially those associated with established business districts. The discussion of such potential impacts should include ways to eliminate or reduce adverse impacts. Parking loss assessments should include the number of spaces taken and the number to remain, and an identification of nearby areas that could be used as parking for customers. Include a description of the major economic bases of the community. This information aids in establishing the sensitivity of the area to change (e.g., if the community's economy is solely dependent on tourism, project impacts to storefront parking would potentially be more harmful).
7. Land Use Impacts. The discussion on land use impacts should identify the way in which the facility may permanently affect adjoining land uses/resources, using the following:
  - An assessment of the growth-inducing potential of the proposed action. If increased pressure for development is anticipated, the discussion should include an assessment of the type of development that is expected to occur and where and when it is expected to occur. Any factors which might be used by local governments to influence development (such as zoning, restricting utility service, etc.) also should be discussed;
  - A description of the scope and status of the planning process for the area and a discussion of the relationship between the proposed action and land use and public facility plans, policies, and controls that are applicable to the affected community. Existing and proposed land use (preferably shown on a map), including other proposed Federal, State, and local actions in the area affected, should be discussed.
8. Pedestrian and Bicycle Facilities. Discuss the current and anticipated bicycle and pedestrian usage, consistency with local plans and facilities that exist in the area, and proposed measures to accommodate anticipated usage and local plans to avoid or reduce adverse impacts to the facility(ies) and its users. If the project will cause disruption or permanent changes in pedestrian or bicycle access, provide a brief description of the effects. See Chapter 17.

#### **25-3.08(d) Agricultural**

References: Paragraph V.G.2. of FHWA Technical Advisory T6640.8A "Farmland Impacts"  
Section 26-10 "Evaluations of Farmland Conversion Impacts"  
Illinois Department of Transportation's Agricultural Land Preservation Policy and  
Cooperative Working Agreement, 2008  
505 ILCS 75/1 et seq., *Illinois Farmland Preservation Act*

Depict the locations of any designated Agricultural Areas on a map and provide a general statement regarding the occurrence of agricultural land uses in the area the project may affect (e.g., predominantly agricultural, scattered agricultural uses, urban developed area with little or no agricultural land use).

In addition to the information discussed in the cited references, the discussion on agricultural impacts should include:

1. Farmland and Soils Identification. In all cases, identify the total amount of farmland and estimate the amount of prime and important farmland to be converted to non-agricultural use. This should include the estimated conversion of agricultural land for borrow or contractor-use areas and other proposed mitigation efforts (e.g., wetland mitigation).
2. Protected Agricultural Areas. Identify any protected Agricultural Areas and include a discussion on avoidance or non-avoidance. Protected Agricultural Areas are registered with the counties and are overseen by the Illinois Department of Agriculture (IDOA). Property enrolled in an Agricultural Area must remain in agriculture for at least ten years.
3. Coordination. Determine if coordination is required with the US Department of Agriculture, Natural Resources Conservation Service (NRCS), and/or the IDOA. If coordination is required, indicate the agency and the basis for coordination. If coordination with the NRCS is required, a copy of the completed Form AD-1006 should be included as an exhibit. If coordination is not required, explain why.
4. Impacts. Summarize the results of the evaluation of farmland impacts and the results of coordination. Where possible, use tables and exhibits to illustrate impacts. The taking of a farm residence or known tax loss from right-of-way purchased should be discussed under the Social/Economic topic.
5. Erodible Soils. Based on the soil type and class information tabulated for Form AD-1006, discuss erodibility of the soils and methods likely to be used to control erosion.

### **25-3.08(e) Cultural**

References: Paragraph V.G.19 of FHWA Technical Advisory T6640.8A "Historic and Archeological Preservation"  
Section 26-2 "Section 4(f) Evaluations"  
Section 26-5 "Historic Act Compliance Documentation"

Provide a general description of the surrounding cultural features (e.g., towns, archaeological sites, historic sites, landmarks, institutions, developed areas, principal roads and highways, similar features that are pertinent to the study).

The cited references provide the primary guidance on the discussion of cultural resources, impacts, and mitigation in the EIS. The following provides additional IDOT-specific guidance on the documentation of findings and results or coordination:

If BDE has issued an “in-house” clearance on historic and archaeological resources, in response to a request for an environmental survey of the proposed project, include the following statement (and related documentation):

*Under the provisions of an agreement between the Illinois State Historic Preservation Officer, the Federal Highway Administration, and the Illinois Department of Transportation, the professional cultural resources staff of the IDOT has determined that this project will have no effect on cultural resources subject to Section 106 of the Historic Preservation Act of 1966, as amended, or Section 4(f) of the Department of Transportation Act of 1966 (see Appendix \_\_\_\_\_ for documentation.)*

Documentation would be a copy of the Environmental Survey Request Form, stamped and signed by BDE.

If a survey is conducted but locates no cultural resources subject to Section 106 of the *Historic Preservation Act* of 1966 or Section 4(f) of the *Department of Transportation Act* of 1966, include the following statement (and related documentation):

*A field survey of the proposed project area located no resources subject to the provisions of Section 106 of the Historic Preservation Act of 1966, as amended, or of Section 4(f) of the Department of Transportation Act of 1966. The State Historic Preservation Officer has concurred in this finding (see Appendix \_\_\_\_\_ for concurrence documentation.)*

For this circumstance, only include a copy of the concurrence letter from the State Historic Preservation Officer (SHPO) to document cultural resource clearance.

For these cases, the statements indicated and the corresponding documentation fulfill the requirement to address cultural resources in the EIS.

1. Archaeological Sites. If a survey is conducted and results in identification of potentially significant archaeological sites, discuss the number and type of resources, the nature of further fieldwork required, and the date notified of the survey results.

Based on the cultural resources survey results, determine if there are any potentially significant resources found to be in the project area. If no, identify the date of the SHPO sign-off and note that this completes the coordination process. If yes, note the type and number of resources, the nature of further field work required, and the date notified.

If the sites were avoided or cleared during the Phase II field evaluation, identify the date of the SHPO sign-off and note that this completes the compliance process. If the sites were not avoided or cleared, Phase III excavation (data recovery) is required. A Statement of No Adverse Effect or a Memorandum of Agreement should be attached to the EIS as an Appendix, and commitments to conduct archaeological fieldwork after right-of-way purchase should be noted.

2. Historic Bridges. Consult the current Historic Bridge List on the Department website to determine if the project will affect a bridge listed in the Illinois Historic Bridge Survey. If not, coordination for compliance with Section 106 on historic bridges is not required, and this should be stated in the EIS. If the project will affect a bridge on the Illinois Historic Bridge Survey (e.g., by rehabilitating, closing, moving, or removing the bridge), documentation of compliance with Section 106 is required. Refer to BDE Technical Environmental Memorandum P-1-95 for details. For a finding of “no adverse effect,” identify the date on which the finding was accepted by the SHPO and other consulting parties. For an “adverse effect” finding, identify the date of final signature of a Memorandum of Agreement and provide a brief summary of the mitigation required. If the project will adversely affect the historic integrity of a bridge on or eligible for the National Register of Historic Places (NRHP) (i.e., the factors that qualified it for eligibility), compliance with Section 4(f) also is required; see Section 26-2.
3. Historic Districts and Buildings. If the project is located within a historic district listed in the NRHP or designated by local ordinance, coordination with the Illinois Historic Preservation Agency (IHPA) is required. Coordination also will be necessary for any buildings over 50 years old directly or indirectly impacted by the project.

The district is required to take photographs (black-and-white or color) of buildings over 50 years old and buildings of uncertain age located on property in or adjacent to the proposed project. The photos should be submitted to BDE. If BDE or the IHPA determines that no significant buildings will be impacted, indicate the date of the sign-off in the EIS.

If a building eligible for the NRHP is located in the project impact area, the Section 106 process, starting with SHPO coordination, must be initiated through BDE. Include in the EIS the date of final acceptance of a Finding of No Adverse Effect or, for an adverse effect, the date of final approval of a Memorandum of Agreement, and a brief summary of the mitigation. If an adverse effect is involved, compliance with Section 4(f) also is required; see Section 26-2.

### **25-3.08(f) Air Quality**

References: Paragraph V.G.8. of FHWA Technical Advisory T6640.8A “Air Quality Impacts”  
Section 26-11 “Air Quality Conformity Documentation”  
*Carbon Monoxide Screen for Intersection Modeling Air Quality Manual*

The cited references provide the primary guidance on the discussion of air quality in the EIS. The following provides additional IDOT-specific guidance:

1. Microscale Analysis.
  - a. Projects That Do Not Add Through Lanes or Auxiliary Turning Lanes. Under the terms of the IDOT-Illinois Environmental Protection Agency (IEPA). “Agreement

on Microscale Air Quality Assessments for IDOT Sponsored Transportation Projects,” projects that do not add through lanes or auxiliary turning lanes are exempt from the requirement for a microscale CO analysis. For projects that qualify for this exemption, enter the following statement in the Environmental Resources, Impacts, and Mitigation discussion:

*In accordance with the IDOT-IEPA “Agreement on Microscale Air Quality Assessments for IDOT Sponsored Transportation Projects,” this project is exempt from a project-level carbon monoxide air quality analysis because it does not add through lanes or auxiliary turning lanes.*

- b. Projects Involving No Sensitive Receptors and Projects Not Suitable for Use of COSIM 3.0. For projects that will add through lanes or auxiliary turning lanes, but that either have no “sensitive” receptors (as defined in the *COSIM 3.0 - Air Quality Manual*) within 1000 ft (300 m) of any intersection or that do not fit the assumptions for use of the COSIM model (see *COSIM Air Quality Manual*), contact BDE regarding evaluation of the need for further air quality modeling for CO and the documentation to include in the Environmental Resources, Impacts, and Mitigation discussion in the EA.

- c. Projects Subject to COSIM Pre-Screen. For projects that will add through lanes or auxiliary turning lanes and that fit the assumptions for use of the COSIM program, the first step in the microscale CO analysis process will be to use the Pre-screen feature in version 3.0 of COSIM to determine whether further air quality modeling is needed. If the project “passes” the Pre-screen (i.e., “worst case” assumptions indicate the project will not exceed the Carbon Monoxide NAAQS), enter the following statement in the Environmental Resources, Impacts, and Mitigation discussion:

*A Pre-Screen carbon monoxide analysis was completed for the proposed project. The results from this proposed roadway improvement indicate that a COSIM air quality analysis is not required, as the results for the worst-case receptor are below the 8-hour average National Ambient Air Quality Standard for CO of 9.0 ppm, which is necessary to protect the public health and welfare.*

- d. Projects Subject to COSIM Screening Analysis. If the project “fails” the Pre-screen, conduct a complete COSIM screening analysis as the next step in the microscale CO analysis process. The COSIM analysis will indicate whether further detailed air quality analysis is needed. If the COSIM analysis indicates that the project “passes” (i.e., does not have the potential for causing a violation of the NAAQS for CO for any affected receptors), further detailed air quality analysis is not required. Complete and include the following paragraphs in the Environmental Resources, Impacts, and Mitigation discussion:

*The air quality effects of the proposed project were analyzed using the Illinois Carbon Monoxide Screen for Intersection Modeling (COSIM). The “worst case” analysis provided by the COSIM model indicated that the proposed undertaking does not have the potential for contributing to a violation of the National Ambient Air Quality Standards for CO. CO concentrations for the worse case receptor (i.e., residence) located [\_\_\_\_\_] (see Exhibit [\_\_\_\_]) were as follows:*

*Existing ([year]) - \_\_\_\_ ppm; Build – Time of Completion (TOC) ([year]) - \_\_\_\_ ppm, TOC + 10 years ([year]) - \_\_\_\_ ppm, and Design Year ([year]) - \_\_\_\_ ppm; No Action - \_\_\_\_ ppm in [TOC year], \_\_\_\_ ppm in [TOC + 10 year], and \_\_\_\_ ppm in [Design Year].*

- e. Projects Subject to Detailed Project-Level CO Analysis. If the COSIM screening analysis indicates the project “fails” (i.e., that it has potential for contributing to a violation of the NAAQS for CO), or if the project does not fit the assumptions for use of the COSIM screening analysis, perform and document a detailed project-level CO analysis. Districts should use the latest USEPA emission factor and air quality dispersion models and contact BDE for guidance on the latest inputs and modeling information.

For projects processed with an EIS, describe the worse-case location and calculated eight-hour results of the detailed project-level CO analysis in the Environmental Resources, Impacts, and Mitigation discussion. Districts should contact BDE for guidance on documenting the results. Comparison of these results to the NAAQS for CO will determine whether the project supports the maintenance of the CO NAAQS in Illinois. Analysis results below the eight-hour CO NAAQS (less than 9 ppm) will indicate no impacts to the local atmospheric conditions that are necessary to protect the public health and welfare. Analysis results above the eight-hour CO NAAQS will indicate impacts that will require discussion of mitigation measures with FHWA, USEPA, and IEPA. Describe any such mitigation measures in the Environmental Resources, Impacts, and Mitigation discussion.

2. Air Quality Conformity. A determination must be made as to whether the highway project is located wholly or partially in a portion of the State classified by the USEPA as a nonattainment or maintenance area for any of the six criteria pollutants (40 CFR Part 81).

- a. Projects That Are Not Within a Nonattainment or Maintenance Area. Include wording similar to the following to address air quality aspects of the affected environment for the proposed project:

*No portion of this project is located within a designated nonattainment area or maintenance area.*

- b. Projects That Are Located Within a Nonattainment Area or Maintenance Area. Include wording similar to the following to address air quality aspects of the affected environment:

*The National Ambient Air Quality Standards (NAAQS), established by the US Environmental Protection Agency, set maximum allowable concentration limits for six criteria air pollutants. Areas in which air pollution levels persistently exceed the NAAQS may be designated as "nonattainment." States where a non-attainment area is located must develop and implement a State Implementation Plan (SIP) containing policies and regulations that will bring about attainment of the NAAQS. Areas that had been designated as nonattainment but that have attained the NAAQS for the criteria pollutant(s) associated with the nonattainment designation, will be designated as maintenance areas.*

*All areas of Illinois currently are in attainment of the standards for four of the six criteria pollutants: carbon monoxide, nitrogen dioxide, sulfur dioxide, and lead.*

*For the eight-hour ozone and PM<sub>2.5</sub> standards, Cook, DuPage, Kane, Lake, McHenry, and Will Counties, as well as Aux Sable and Goose Lake Townships in Grundy County and Oswego Township in Kendall County, have been designated as - nonattainment areas. Jersey, Madison, Monroe, and St. Clair Counties in the St. Louis area also have been designated as moderate nonattainment areas for the eight-hour ozone standard. In addition, Madison, Monroe, St Clair, and Baldwin Township in Randolph County are nonattainment for PM<sub>2.5</sub>.*

*The Lake Calumet area and Lyons Township in Cook County have been designated as a maintenance area for the particulate matter (PM<sub>10</sub>) standard. In addition, Oglesby and several adjacent townships in LaSalle County and Granite City Township and Nameoki Township in Madison County have been designated as maintenance areas for the PM<sub>10</sub> standard. All other areas of Illinois currently are in attainment for the ozone and PM<sub>10</sub> standards.*

*This project is [totally/partially] located within an area designated as [nonattainment/a maintenance area] for the [indicate criteria pollutant standard(s) involved] standard(s) of the NAAQS.*

- c. Proposed Projects Located Within a Designated Nonattainment Area or Maintenance Area. Include information to describe the numerical standard for the criteria pollutant(s) for areas in nonattainment or maintenance status. Provide summary information on the results of recent air quality monitoring in the



nonattainment or maintenance area for the criteria pollutant(s) involved in the non-attainment or maintenance classification. Air quality monitoring information can be obtained from the most recent "Illinois Annual Air Quality Report" issued by the IEPA. Also include the following paragraphs concerning the Air Quality Index:

*The Air Quality Index (AQI) is the current national standard method for reporting air pollution levels to the general public. The AQI is based on the short-term Federal National Ambient Air Quality Standards (NAAQS), the Federal episode criteria, and the Federal Significant Harm levels for five of the "criteria pollutants," namely, ground-level Ozone (O<sub>3</sub>), Sulfur Dioxide (SO<sub>2</sub>), Carbon Monoxide (CO), Particulate Matter (PM), and Nitrogen Dioxide (NO<sub>2</sub>). The AQI levels have been divided into six categories: Good (0-50), Moderate (51-100), Unhealthy for Sensitive Groups (101-150), Unhealthy (151-200), Very Unhealthy (201-300), and Hazardous (301-500).*

*The AQI classification of "Unhealthy for Sensitive Groups" occurs on occasion in Illinois under the eight-hour ozone and PM<sub>2.5</sub> standards. AQI classifications of Unhealthy are uncommon and classifications of Very Unhealthy are rare in the State. To date, no classifications of Hazardous air quality have occurred in Illinois.*

The determination on project conformity should be made and documented in accordance with the procedures in Section 26-11. For projects in PM<sub>2.5</sub> and PM<sub>10</sub> nonattainment and/or maintenance areas, a project-level qualitative hot-spot analysis for transportation conformity may be required. See Section 26-12 for guidance on applicability of the analysis requirement and procedures for conducting and documenting the qualitative hot-spot analysis.

3. Construction-Related Particulate Matter. Include wording similar to the following to address construction-related particulate matter air quality impacts:

*Demolition and construction activities can result in short-term increases in fugitive dust and equipment-related particulate emissions in and around the project area. (Equipment-related particulate emissions can be minimized if the equipment is well maintained.) The potential air quality impacts will be short-term, occurring only while demolition and construction work is in progress and local conditions are appropriate.*

*The potential for fugitive dust emissions typically is associated with building demolition, ground clearing, site preparation, grading, stockpiling of materials, on-site movement of equipment, and transportation of materials. The potential is greatest during dry periods, periods of intense construction activity, and during high wind conditions.*

*The Department's Standard Specifications for Road and Bridge Construction include provisions on dust control. Under these provisions, dust and airborne dirt generated by construction activities will be controlled through dust control procedures or a specific dust control plan, when warranted. The contractor and the Department will meet to review the nature and extent of dust-generating activities and will cooperatively develop specific types of control techniques appropriate to the specific situation. Techniques that may warrant consideration include measures such as minimizing track-out of soil onto nearby publicly-traveled roads, reducing speed on unpaved roads, covering haul vehicles, and applying chemical dust suppressants or water to exposed surfaces, particularly those on which construction vehicles travel. With the application of appropriate measures to limit dust emissions during construction, this project will not cause any significant, short-term particulate matter air quality impacts.*

4. Mobile Source Air Toxics. See Section 26-13 for guidance on analysis and documentation procedures for addressing Mobile Source Air Toxics.

#### **25-3.08(g) Noise**

References: Paragraph V.G.9. of FHWA Technical Advisory T6640.8A "Noise Impacts"  
Section 26-6 "Noise Analyses"  
*IDOT Highway Traffic Noise Assessment Manual*

Traffic noise analyses shall be conducted in accordance with Section 26-6 "Noise Analyses" of this BDE Manual. The *IDOT Highway Traffic Noise Assessment Manual* has been prepared to provide guidance on how to implement the policy for IDOT projects or projects being reviewed by IDOT. The guidance manual provides information to be included in the environmental documentation.

#### **25-3.08(h) Energy**

References: Paragraph V.G.22. of FHWA Technical Advisory T6640.8A "Energy"

Use the following statement when addressing energy:

*Construction of the proposed \_\_\_\_ (Route) \_\_\_\_ improvement will require indirect consumption of energy for processing materials, construction activities, and maintenance for the lane miles (kilometers) to be added within the project limits. Energy consumption by vehicles in the area may increase during construction due to possible traffic delays.*

*Construction of the proposed improvement will reduce traffic congestion and turning conflicts along the route and thereby reduce vehicular stopping and slowing conditions. Additional benefits would be realized from increased*

*capacity and smoother riding surfaces. This will result in less direct and indirect vehicular operational energy consumption for the build alternative than for the no-action alternative. Thus, in the long term, post-construction operational energy requirements should offset construction and maintenance energy requirements and result in a net savings in energy usage.*

The following should be added when applicable:

*The project includes provisions for improved bicycling and walking conditions, thereby encouraging travel by these non-motorized and thus non-energy consuming modes of transportation.*

Energy impacts should only be presented if it is an issue of concern in the project area or if substantial differences between alternatives are anticipated.

### **25-3.08(i) Natural Resources**

Describe the location of the project in relation to the Natural Divisions of Illinois and provide a brief characterization of the Divisions involved. Describe the important plant communities (cover types) and wildlife habitats that occur within the project area and identify important plant and wildlife species and wildlife groups. Also identify species that are Federal and/or State endangered or threatened species. Depict areas designated as Natural Areas, Land and Water Reserves, and Nature Preserves on an environmental resource map of the project area. Additional guidance on these topics is provided below.

The following additional guidance applies to the discussion of natural resource impacts and mitigation in the EIS:

#### **1. Upland Plant Communities.**

References: Section 26-17 "Tree/Vegetation Assessments"  
Section 26-18 "Invasive Species and Noxious Weeds"

Provide a general description of the surrounding terrain and ecosystems. Describe each of the important plant communities (cover types) in the project vicinity; whether essentially natural (e.g., forest, prairie, shrubland); or substantially modified or managed (e.g., cropland, hay and pasture land, residential areas, other urban land).

The total number of acres and percent cover of each plant community that occurs within the project area should be presented in a table. The text should briefly describe those plant communities that are predominate, important wildlife habitats, or rare on the Illinois landscape. Two of these plant communities, forested (important wildlife habitat) and prairie (rare) areas, should be described in further detail as outlined below.

Identify and depict on the environmental inventory map forested blocks of trees greater than 20 acres (8 ha) in size or forested areas of any size along stream corridors. Identify

the dominant species, density and basal area (if available), the relative age, and the natural quality of each forested stand. Briefly summarize project impacts (e.g., loss of acreage (hectares), function) and replacement time (the number of years required for comparable vegetation to grow back if destroyed). Measures to avoid the impacts and provide mitigation for unavoidable impacts should be identified. Forested mitigation should be based on wildlife habitat considerations.

In urban settings, briefly describe dominant species and health of trees occurring as landscape elements. Indicate the number of these trees to be removed (based on an actual count or an estimate based on a sample), and discuss plans for providing replacement tree plantings.

Identify and depict on the environmental inventory map prairie areas that occur within the project area. Briefly describe these areas by size (acres/hectares), prairie type (e.g., mesic, sand, dolomite), dominant grasses, dominant forbs, prairie grasses, prairie forbs, and species having indices of conservatism of seven or greater and percent adventive. The discussion of each stand should include the types of disturbance being experienced by each prairie area. Discuss measures taken to avoid prairie areas and mitigation plans for providing prairie replacement.

Briefly discuss the likely effects of the project on the introduction or spread of invasive species during construction and/or as a result of project maintenance. Identify invasive species for the project area and briefly describe their potential effects on sensitive resources (e.g., adjacent natural areas, nature preserves, parks or forest preserves). Describe measures used to control invasive species during project construction and maintenance.

## 2. Wildlife Resources.

References: Section 26-14 "Migratory Birds"  
Section 26-15 "Wildlife Resources"

Wildlife habitats in a project area coincide with the major plant communities (cover types). Identify and briefly describe important wildlife habitats for amphibians, reptiles, mammals, and birds including those species that are area sensitive. Identify those wildlife species that are addressed in *The Illinois Comprehensive Wildlife Conservation Plan & Strategy* (Illinois Wildlife Action Plan) as "Species in Greatest Need of Conservation for Illinois." Impacts to wildlife and wildlife habitats should be discussed as to the type of impacts (e.g., habitat loss, construction mortality, habitat fragmentation, barriers to movement, operational mortality). Under operational mortality, identify on an environmental inventory map those sections of roadway that have potential for, or actual occurrence of, a high incidence of animal-vehicle collisions. Briefly discuss measures that can be incorporated into the project to reduce these types of collisions.

Environmental commitments and mitigation should follow the wildlife needs as described in the Management Guidelines included in the Natural Division Assessments that are a part of the Illinois Wildlife Action Plan.

### 3. Threatened and Endangered Species.

References: Paragraph V.G.18. of FHWA Technical Advisory T6640.8A "Threatened and Endangered Species"  
Section 26-9 "Threatened and Endangered Species/Natural Area Impact Assessments"  
Chapter 27 "Environmental Surveys"

This section should address Federal and State threatened and endangered species under separate headings. Species that are Federally listed automatically become State listed species. Federal species that are delisted are still State listed species until the Illinois Endangered Species Protection Board delists them.

#### a. Federally Listed Species.

Document the results of coordination with the US Fish and Wildlife Service (USFWS) and other survey and evaluation activities (e.g., biological surveys, database searches) regarding the determination of whether or not listed or proposed species and/or designated or proposed critical habitat occur in the area the proposed project potentially may affect.

If coordination with USFWS and other survey and evaluation activities resulting in a determination that protected species and/or habitat do not occur in the area the project may affect, document the basis for the "no effect" determination.

If protected species or habitats are known or likely to occur in the project action area, identify each species, its status (i.e., threatened, endangered, proposed), its habitat preferences, and the occurrence of habitat in the project area. Document the results of coordination with USFWS for evaluating the project's potential impact on each protected species and/or habitat (e.g., "no effect"; "may affect, not likely to adversely affect"; or "may affect, likely to adversely affect").

In the case of a finding of "may affect, not likely to adversely affect" or "may affect, likely to adversely affect," summarize the following information from the biological assessment:

- species distribution, habitat needs, and other biological requirements;
- affected areas of the proposed project;
- possible impacts, including opinions of recognized experts on the species involved;
- measures to avoid or minimize adverse impacts; and
- results of consultation with USFWS.

If the results of the biological assessment and/or formal consultation indicate the preferred alternative could jeopardize the continued existence of a listed species or

result in the destruction or adverse modification of designated critical habitat, include a copy of the biological opinion from USFWS and summarize the steps taken, including alternatives or measures evaluated and consultations conducted, to resolve the project's conflicts with the species and/or habitat.

b. State Listed Species.

In response to a submission of an Environmental Survey Request, BDE will provide the district the results of the EcoCAT submittal to IDNR. BDE will implement any recommendations by IDNR or BDE for biological surveys. Incorporate information identifying each involved species, its status, and its habitat, similar to the presentation of information for Federally listed species. Discuss potential project impacts to the species and describe alternatives to avoid, minimize, or compensate for the impacts. Reference the applicable compliance documentation (e.g., Detailed Action Report, Biological Opinion, Incidental Take Authorization; see Section 26-9.06), and include the documentation in the EIS Appendix.

4. State Designated Lands.

References: Section 26-9 "Threatened and Endangered Species/Natural Area Impact Assessments"  
Chapter 27 "Environmental Surveys"

State Designated Lands include Illinois Natural Areas, Land and Water Reserves and Nature Preserves. Indicate the name of each potentially affected State Designated Land in the project area, its size (acres/hectares), ownership (public or private), and the features that are the basis for its significance (i.e., Element Occurrence). Also, show the location of each potentially affected site on an environmental inventory map.

Avoid impacts to Illinois Natural Areas and Land and Water Reserves to the extent practical. If impacts cannot be avoided, identify the acreage (hectares) to be taken by the project and the effects on the Element Occurrence of the State Designated Land. Identify any environmental commitments and/or mitigation associated with the impacts to the State Designated Land. Summarize the results of coordination with IDNR and the Illinois Nature Preserves Commission (for Land and Water Reserves) and include copies of correspondence with these entities in the Comments and Coordination section of the EIS.

Illinois Statutes in 525 ILCS 30, afford dedicated Nature Preserves a high level of protection from conversion to other uses. The statutes include the following language:

*Areas dedicated as nature preserves are hereby declared to be put to their highest, best and most important use for the public benefit. They shall be protected, managed and used in the manner provided by rules. They may not be taken under power of eminent domain or by other means for any other use except another public use and, except upon approval of the Commission, the Governor and any public owner of a*

*dedicated interest therein after a finding by the Commission of the existence of an imperative and unavoidable public necessity for such other public use, and upon such terms and conditions as the Commission may determine, except as may otherwise be provided in the instrument of dedication.*

In light of these provisions, every effort should be made to avoid impacts to dedicated Nature Preserves.

Use of land from significant, publicly owned Illinois Nature Preserves, Land and Water Reserves, and Natural Areas also may be considered Section 4(f) resources; see Section 26-2.

### **25-3.08(j) Water Resources and Aquatic Habitats**

References: Paragraph V.G.10. of FHWA Technical Advisory T6640.8A "Water Quality Impacts"  
Paragraph V.G.11. of FHWA Technical Advisory T6640.8A "Permits"  
Paragraph V.G.13. of FHWA Technical Advisory T6640.8A "Water Body Modifications and Wildlife Impacts"  
Paragraph V.G.15. of FHWA Technical Advisory T6640.8A "Wild and Scenic Rivers"  
Section 26-18 "Water and Aquatic Resources"  
Section 26-19 "Nationwide Rivers Inventory"  
Section 26-20 "Impaired Waters/TMDLs"  
Chapter 28 "Environmental Permits/Certifications"

Discuss water resource cover types (e.g., riverine, lacustrine, ponds) and their acreages within the project area. Identify the watershed(s) within the project area. Where a watershed plan is available, the goal should be to maintain and improve the quality and quantity of aquatic resources identified in the plan.

In addition to the information in the cited references, the EIS should discuss the following:

1. Water Resources. Identify the water resources that occur in the project area and depict them on the environmental inventory map. Identify those resources that have a special designation (e.g., navigable waters, Nationwide Rivers Inventory, Illinois Natural Area, Advanced Identification (ADID) Stream, Illinois Significant Stream, Outstanding Resource Water and/or Biological Stream Rating (BSR) of "A" for diversity or integrity).
2. Aquatic Habitat. The physical and biological characteristics of streams are best presented in a table. The text should briefly explain the importance of these characteristics and their sensitivity to perturbations. Physical characteristics include upstream drainage area (square miles/hectares), flow characteristics (e.g., perennial, intermittent, ephemeral), substrate type, stream width, water depth, riparian habitat, mean habitat score, and watershed characteristics. Biological characteristics include number of fish species present, number of intolerant fish species, dominant fish species,

percentage of intolerant fish species, aquatic habitat quality, number of mussel species, Ephemeroptera, Plecoptera and Trichoptera (EPT) richness, percentage of Oligochaete specimens, and percentage of Chironomid specimens.

3. Water Quality. The General Use Water Quality Standards apply to the vast majority of projects and the most recent information is available on the IEPA website. Water quality is assessed through chemical analysis, designated uses, and the presence of wastewater plant outfalls. Some of the biological characteristics also are indicators of water quality.
  - a. Chemical Parameters. Chemical data should be provided in a table. Typically chemical data is collected during three time periods — spring, summer, fall. The table should present the average value of each individual parameter being considered in the table. These parameters include pH, dissolved oxygen, total phosphorus, chloride, dissolved copper, dissolved lead, dissolved zinc, dissolved sulfate, total dissolved solids, water temperature, and hardness. The table should include the General Use Water Quality Standard for each of the above parameters as appropriate.
  - b. Designated Uses. This material can be presented in a table. Designated uses include aquatic life, fish consumption, primary contact, secondary contact, and aesthetic quality. Use Support levels include fully supporting, not supporting, insufficient information, or not assessed. If a designated use is not supporting (impaired), the cause and source of the impairment should be given. The most recent Illinois Water Quality and Impaired Stream Report on the IEPA website should be used to obtain this information. IEPA does not sample every stream; so where a stream does not appear in the IEPA Report, the designation “not identified” should be used.
  - c. Waste Water Plant Outfalls. Waste water effluents entering streams may have increased pollutant loads, particularly during low flow conditions. These loads may affect water quality downstream of their outflows. The EIS should identify wastewater plant outfalls that occur up to two miles (3.2 km) upstream to one mile (1.6 km) downstream of the project area.
4. Impacts to Water Resources. Surface water impacts are associated with construction, operation, and maintenance of the proposed roadway. In determining impacts, describe the potential change in each physical, biological, and water quality parameter and its assessed importance. As an example, a surface water impact would be considered adverse if project activities resulted in the exceedance of State water quality standards (numerical or narrative).
5. Impacts to Streams with Special Designations. Identify and describe impacts to streams that have a special designation, including how the proposed project would affect the feature(s) that are the basis for the special designation. Describe measures to minimize impacts to the resource and adjacent areas and the mitigation measures to be taken to replace or restore stream functions impacted by the project.



6. Construction Impacts. Identify the types of construction activities (e.g., vegetation removal, in-stream work, bridge or culvert construction, bridge demolition, channel change, riprap placement) that will occur in and adjacent to each water crossing. Identify the potential effects on the biological and physical parameters, and water quality characteristics of each water resource.

Mitigation for aquatic habitat impacts should be considered. Depending on the nature of the impact, the EIS should discuss mitigation in relation to the watershed or the watershed plan if available. Aquatic habitat mitigation should be based on the wildlife needs as described in the Management Guidelines included in the Natural Division Assessments that are a part of the Illinois Wildlife Action Plan.

7. Operational Impacts. The major sources of operations phase pollutants on highways are from vehicles, atmospheric deposition, and precipitation. The need for discussing these types of impacts is based on the current and projected average daily traffic (ADT). FHWA studies have indicated that ADTs less than 30,000 vehicles per day (vpd) are likely to cause minimal water quality affects. In these cases, pollutant loading studies are not recommended unless highway runoff is being discharged into a sensitive stream, wetland (e.g., seeps, fens), or nature preserve. For projected ADTs between 30,000 and 50,000, the nature of the highway drainage system should be considered. If drainage is through vegetated roadside ditches, pollution loading studies are not recommended. However, if drainage is handled in whole or in part through a storm sewer system, pollutant loading studies are recommended. These types of studies are also recommended for any ADTs over 50,000 vpd.

The chemical parameters usually considered in a pollutant loading study are the heavy metals copper, lead, and zinc. Heavy metals have been shown to be the dominant toxic pollutants contributed by highway storm water runoff.

For projects where it is determined a pollutant loading analysis is necessary, apply the methods discussed in the FHWA publication FHWA-RD-88-006 entitled *Pollutant Loadings and Impacts from Highway Storm Water Runoff, Volume I: Design Procedure* (1990). Addition guidance can be found in FHWA-PD-96-032 *Evaluation and Management of Highway Runoff Water Quality* (1996). The analysis for heavy metals (e.g., copper, lead, zinc) should be accomplished using the method described in FHWA-RD-88-006. The results of the heavy metal analysis should be compared to the State water quality standards. If the results exceed the water quality standards, water treatment facilities (e.g., vegetated wet or dry detention basins, vegetated swales, infiltration basins) should be incorporated into the project. The EIS should discuss the results of the analysis and the measures to be implemented to minimize water quality impacts, as appropriate.

8. Maintenance Impacts. These impacts are primarily associated with the use of deicing salts for winter maintenance. The discussion of deicing salt impacts should be considered for those projects occurring in northeastern Illinois where the application of deicing salts has resulted in exceedances of the water quality standard for chloride.

Existing chloride concentrations in streams or other water bodies should be identified and compared to those that will occur as a result of the proposed project. Use the methodology described in the IDOT *Water Quality Manual* to determine the projected chloride concentrations. The discussion should also consider the pathways (e.g., runoff, splash, spray) through which deicing salt is dispersed into the environment. Identify and briefly discuss the potential effects on sensitive areas (e.g., high quality streams, nature preserves, wetlands, listed plant species habitat).

If the projected chloride concentrations exceed the water quality standard for chloride, implement mitigation measures that reduces the chloride concentration below the water quality standard. If the water body being impacted has a TMDL for chloride, the project should be in compliance with the TMDL and coordination with the IEPA should be accomplished. Summarize the proposed mitigation measures and the results of coordination with the IEPA in the EIS.

9. Water-Related Permits. Discuss any work requiring an individual Section 404 or a bridge permit. Indicate the type of US Army Corps of Engineers (Corps) permit(s) anticipated for each water body crossing and identify water body crossings and permits requiring individual Section 401 Water Quality Certification. If an individual Section 404 permit will be required, request the Corps and USEPA be Cooperating Agencies. Also list activities covered by a nationwide permit by location and type of work and nationwide permit type.

A National Pollutant Discharge Elimination System (NPDES) permit is required if one acre (4047 m<sup>2</sup>) or more of surface area will be disturbed. If an NPDES construction permit is required, the following paragraph should be incorporated into the EIS:

*It is anticipated this project will result in the disturbance of one or more acres (4047 m<sup>2</sup> or more) of total land area. Accordingly, it is subject to the requirement for a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges from the construction sites. Permit coverage for the project will be obtained either under the IEPA General Permit for Stormwater Discharges from Construction Site Activities (NPDES Permit No. ILR10) or under an individual NPDES permit. Requirements applicable to such a permit will be followed, including the preparation of a Stormwater Pollution Prevention Plan. Such a plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from the construction site and shall describe and ensure the implementation of practices which will be used to reduce the pollutants in discharges associated with construction site activity and to assure compliance with the terms of the permit.*

10. Coordination. Coordination with the Corps, USEPA, USFWS, US Coast Guard, IDNR, and IEPA will take place through the NEPA/404 Merger Process. Biological surveys containing aquatic studies and water quality information will be coordinated with these

agencies by BDE. Additional coordination will be through the circulation of the draft EIS, and Final EIS. Include documentation of the coordination in the EIS, when practical, or in the project file.

#### **25-3.08(k) Groundwater**

Reference: Section 26-21 "Groundwater"

For the areas the project alternatives will potentially affect, identify aquifers, aquifer recharge areas, groundwater class, groundwater quality, affected public and private drinking water wells, wellhead protection zones, and sources of groundwater degradation. If the project will potentially impact groundwater resources or quality, describe the potential impacts and discuss measures for avoiding, minimizing, and mitigating for these impacts.

#### **25-3.08(l) Floodplains**

References: Paragraph V.G. 14. of FHWA Technical Advisory T6640.8A "Floodplain Impacts"  
Section 26-7 "Floodplains"  
Chapter 28 "Environmental Permits/Certifications"

If available for the project area, use National Flood Insurance Program (NFIP) maps to identify the 100-year floodplain. Depict base floodplains and, where applicable, regulatory floodways on a map of the project area. Describe the natural and beneficial floodplain values, regulatory floodways, types of existing floodplain encroachments, and support of base floodplain development. Summarize comments on floodplain issues received through public meetings and Context Sensitive Solutions (CSS) processes, if applicable.

Discuss the project's potential effects on floodplains, measures to minimize floodplain impacts and measures to avoid longitudinal encroachments and significant encroachments to the extent practical. If the project will affect a regulatory floodway, summarize the results of coordination with the Federal Emergency Management Agency and the local flood control agency regarding consistency of the project with the regulatory floodway requirements.

If the preferred alternative involves a significant encroachment, include in the EIS the finding required by Executive Order 11988 and 23 CFR 650 Subpart A that there is no practicable alternative to construction in floodplains; see Section 26-7. If the preferred alternative encroaches in a regulatory floodway and mitigation is required, the EIS should describe the mitigation. An IDNR/OWR permit is required for construction within a regulatory floodway; see Chapter 28.

#### **25-3.08(m) Wetlands**

References: Paragraph V.G.12 of FHWA Technical Advisory T6640.8A "Wetlands Impacts"  
Section 26-8 "Wetlands"  
Chapter 28 "Environmental Permits/Certifications"

Identify the version of the Corps *Wetland Delineation Manual* used to determine the jurisdictional wetlands occurring within the project area. Depict the boundaries of the jurisdictional wetlands and Advanced Identification (ADID) wetlands, where applicable, on the environmental inventory map.

Identify the extent of wetland types that occur within the watershed(s) in a table based on data from the National Wetlands Inventory (NWI). The table should include the wetland types and their acreages (hectares) within each watershed. Include the hydrologic unit code of each watershed.

Identify a characterization, wetland plant community descriptions, and wetland functions. Present the characteristics of each jurisdictional wetland within a table. Include the wetland site number, plant community type, NWI classification, dominant vegetation, soil type, hydrologic indicators, floristic quality index, percent adventive, and size.

Briefly characterize each wetland plant community as to acreages (hectares), percentage of total wetland area, and percentage of the project area. Include within the discussion the common dominant species, soil characteristics, hydrology, water regime, or other characteristics of the plant community that are unique.

Assess wetland functions using the individual delineations. Functions discussed will be based on the nature of the project area. The discussion of the floristic quality index and percent adventive will be done on every project. Other functions discussed may include wildlife habitat, heritage characteristics, flood storage, groundwater discharge, recreation values, and shoreline erosion control.

In northeastern Illinois, identify ADID and farmed wetlands on the environmental inventory map and briefly discuss this in the text. With regard to ADID wetlands, the discussion should include the results of the wetland delineation survey, the plant community type, the ownership of the site (public or private), the approximate acreage, and the basis for the high functional value determination.

Identify impacts to wetlands by wetland site number, plant community type (acreage (hectares)), loss of function(s), and the applicable mitigation ratio required by the *Illinois Wetlands Protection Act*. Discuss the relative importance of the wetland impact and the severity of the impact. Evaluate alternatives that would avoid impacts to the wetlands. If impacts are unavoidable, explain the reason(s) why. Identify practicable measures to reduce the impact. The Final EIS should contain a copy of the completed Wetland Impact Evaluation Form.

The wetland mitigation being proposed for the project should be discussed in terms of whether it is on-site, off-site, or out-of basin and whether it will be in-kind or out-of-kind. If applicable, discussion should address how the loss of wetland acreage in the affected watershed would be impacted by replacing wetlands within a different watershed. The discussion should address compliance with the State's wetland goals of no overall net loss of the State's existing wetland acres and their functional value.

Provide a summary of the results of coordination with the regulatory and natural resource agencies and public comments received regarding the project's wetlands involvement.

If the preferred alternative is located in wetlands, the FEIS needs to contain the finding required by Executive Order 11990. Place the finding in a separate subsection titled "Only Practicable Alternative Finding," and include the following information:

- a reference to Executive Order 11990;
- an explanation why there are no practicable alternatives to the proposed action;
- an explanation why the proposed action includes all practicable measures to minimize harm to wetlands; and
- a concluding statement that: "Based on the above considerations, it is determined there is no practicable alternative to the proposed construction in wetlands and that the proposed action includes all practicable measures to minimize harm to wetlands that may result."

#### **25-3.08(n) Special Waste**

References: Paragraph V.G.20. of FHWA Technical Advisory T6640.8A "Hazardous Waste Sites"  
Section 27-3 "Special Waste Procedures"

*Note: These procedures use the collective term "special waste," from the Illinois Environmental Protection Act (415 ILCS 5/3.45), which includes hazardous waste, potentially infectious medical waste, and industrial process waste or pollution control waste, subject to certain exceptions (see Section 27-3). Contaminated soils that meet the exemption from classification as a "special waste" are still considered to be a "regulated substance" and will be regulated as a solid waste. Involvement with such contamination will be addressed as a part of the BDE Special Waste Procedures and should be discussed, as appropriate, in the Environmental Consequences section.*

The FHWA Technical Advisory provides guidance on discussion of Special Waste in the EIS. The following provides additional IDOT-specific guidance:

In this section, summarize the results of application of the Special Waste Procedures to the proposed project. If special waste screening resulted in the determination that further action for special waste was not needed, briefly summarize the screening process and the basis for the determination. Include a copy of the signed Special Waste Assessment Screen/Survey Request Form in the EIS Appendix.

If screening determined further action was needed and a Preliminary Environmental Site Assessment (PESA) was conducted, briefly discuss the basis for proceeding with a PESA and the PESA results.

If the PESA resulted in a finding of “No Recognized Environmental Condition” (REC), document that finding and include in the EIS Appendix a copy of the memorandum from BDE transmitting the final PESA report. Do not include the final PESA report.

If the PESA resulted in a finding that the project involves one or more REC, briefly describe the REC(s) and further actions taken to respond, including the following, as applicable:

1. REC Avoided. Describe the avoidance measures.
2. REC Not Avoided But Determined Eligible to be Addressed During Construction as a Risk Managed Project (RMP). Summarize basis for RMP determination and measures to be implemented for the REC during construction.
3. REC Not Eligible to be Addressed as a RMP. Describe further studies conducted for the REC (e.g., Preliminary Site Investigation (PSI), Remedial Investigation/Feasibility Study (RI/FS), Risk Assessment (RA)) and summarize the study results. Also, summarize the results of coordination with IEPA and describe the method(s) selected for addressing the REC(s) (i.e., the Remedial Action Plan).

#### **25-3.08(o) Special Lands**

References: Section 26-3 Section 6(f) “Conversion Request”  
Section 26-4 “OSLAD Land Conversion Request”

List, briefly describe, and depict locations of Special Lands on a map of the project area. The following applies to the Special Lands portion of the EIS:

1. 6(f). Determine if the project will involve use of lands that have Land and Water Conservation (LAWCON) funds involved in their purchase or development (contact IDNR). If yes, describe the involvement and the replacement land and provide the date of the National Park Service approval of the Section 6(f) land conversion request.
2. Open Space Lands Acquisition and Development (OSLAD) Act Lands. If the project will involve use of lands that had OSLAD funds involved in their purchase or development, describe the involvement and the replacement land and indicate the date of IDNR approval of the OSLAD land conversion request.

#### **25-3.08(p) Permits/Certifications**

References: Chapter 28 “Environmental Permits/Certifications”

This section of the EIS should list the permits and certifications required for the project and should reference the section(s) and subsection(s) where the related permit/certification issues are discussed.

**25-3.08(q) Other Issues**

References: Paragraph V.G.21. of FHWA Technical Advisory T6640.8A "Visual Impacts"  
Paragraph V.G.23. of FHWA Technical Advisory T6640.8A "Construction Impacts"  
Paragraph V.G.24. of FHWA Technical Advisory T6640.8A "The Relationship Between Local Short-term Uses of Man's Environment and the Maintenance and Enhancement of Long-term Productivity"  
Paragraph V.G.25. of FHWA Technical Advisory T6640.8A "Any Irreversible and Irretrievable Commitments of Resources Which Would be Involved in the Proposed Action"

In addition to the cited references, the following IDOT-specific guidance applies:

Describe any other characteristics of the affected environment (e.g., visual) that may be relevant to the evaluation of environmental impacts.

To the extent that the *IDOT Standard Specifications* or Recurring Special Provisions address measures for mitigating anticipated construction-related environmental impacts, these specifications and provisions should be noted as a part of the discussion. Examples include the specifications concerning:

- erosion control;
- protection of aboriginal records and antiquities;
- protection of streams, lakes, reservoirs, natural areas, wetlands, prairie areas, savannas, and threatened and endangered species;
- forest protection; and
- construction noise restrictions.

**25-3.08(r) Environmental Commitments and Mitigation**

An environmental commitment is a documented promise or obligation concerning an environmental issue made by a representative of IDOT to an entity outside the Department. Provide a brief description of each environmental commitment associated with the proposed project, including who made the commitment and to whom it was made.

Summarize mitigation measures to be provided for unavoidable adverse environmental impacts.

**25-3.09 List of Preparers**

References: 40 CFR 1502.17 "List of Preparers"  
Paragraph V.H. of FHWA Technical Advisory T6640.8A "List of Preparers"

In addition to the information in the cited references, the following IDOT-specific guidance applies:

The list of preparers should include those persons that were directly involved in the actual preparation and review of the EIS. It should not include persons whose involvement was primarily administrative.

#### **25-3.10 List of Agencies, Organizations, and Persons to Whom Copies of the EIS Are Sent**

References: 23 CFR 771.125(g) "Recipients of FEIS"  
Paragraph V.I. of FHWA Technical Advisory T6640.8A "List of Agencies, Organizations, and Persons to Whom Copies of the EIS Are Sent"

The cited references provide the applicable guidance for preparing this section of the EIS.

#### **25-3.11 Comments and Coordination**

References: 40 CFR 1503 "Inviting and Responding to Comments"  
23 CFR 771.125(a) "Coordination Discussion in FEIS"  
Paragraph V.J. of FHWA Technical Advisory T6640.8A "Comments and Coordination"

The cited references provide the applicable guidance for preparing this section of the EIS.

#### **25-3.12 Index**

References: Paragraph V.K. of FHWA Technical Advisory T6640.8A "Index"  
CEQ Q&A, Question 26 "Use of Indices"

The Index should be an alphabetic listing of all sections and subsections in the report and other references on important subjects and areas of major environmental impacts, together with the corresponding page-number references to the text.



**25-3.13 Appendices**

References: 40 CFR 1502.18 "Appendix"  
Paragraph V.L. of FHWA Technical Advisory T6640.8A "Appendices"  
CEQ Q&A, Question 25 "Use of Appendices"

The cited references provide guidance for preparing this section of the EIS. Appendices should include only analytical information and/or compliance documentation that is necessary to substantiate an analysis important to the document (e.g., a biological assessment for threatened or endangered species). Other information should be referenced only (i.e., identify the material and briefly describe its contents).

**25-3.14 Section 4(f) Evaluation**

References: 23 CFR 771.135 "Section 4(f) Procedures"  
Section 26-2 "Section 4(f) Evaluations"

When Section 4(f) resources are involved and an individual 4(f) evaluation is required or the "Net Benefit" programmatic 4(f) evaluation will be used, the EIS should contain a separate heading titled "Section 4(f) Evaluation." This Section should not repeat information contained in the EIS. Rather, information should be included by reference only.

If the project will involve use, including constructive use, of land from a significant publicly owned park, recreational area, or wildlife and waterfowl refuge, or any land from a historic site of national, State, or local significance, either a *de minimis* impact finding, or a programmatic or individual Section 4(f) Evaluation may be required (see Section 26-2). If temporary use of 4(f) land is involved and meets the conditions for exclusion from 4(f) applicability (see Appendix A, FHWA Section 4(f) Policy Paper, March 1, 2005), identify the use, document the response to each of the conditions, and indicate the date of FHWA concurrence that a 4(f) use does not apply.

